# §1.17. Bag and Possession Limit.

# Informative Digest/Policy Statement Overview



Under existing regulations, recreational anglers fishing in waters of the Ocean and San Francisco Bay District (described in Section 27.00, Title 14, CCR) (ocean waters) are subject to individual daily bag and possession limits that include a general 20-finfish daily bag and possession limit overall and other daily bag and possession limits specific to individual species of finfish [Sections 27.60 and 27.85 through 28.59, Title 14, California Code of Regulations (CCR)]. Also, under existing regulations, some species of fish have no daily bag limit (any number may be taken) [Subsection 27.60(d), Title 14, CCR]. Once a person has caught an authorized daily bag limit of fish, that person is supposed to stop fishing for that species. However, while not presently authorized, it has been common practice for anglers that have already caught a daily bag limit of a finfish aboard a boat to keep fishing to help fill the daily bag limit of other anglers aboard that have not yet caught a limit of fish.

Also, existing regulations require owners and operators of commercial passenger fishing vessels (CPFVs) to record information about each fishing trip, including numbers of anglers, fishing location, and fish caught aboard the CPFVs on logbooks, and provide that information to the Department (Section 195, Title 14, CCR). Existing regulations also specify that fish may not be taken or possessed by CPFV passengers, or the vessel owner or operator in excess of the individual daily limits prescribed in sport fishing regulations.

Proposed regulation changes would authorize what are commonly termed daily "boat bag limits" or simply "boat limits" by allowing anglers aboard vessels to continue to fish after they have taken their individual daily bag and possession limits, until the daily bag limit for all authorized anglers aboard a vessel is filled [Amends Sections 1.17, 1.59, 27.60, and 195, Title 14, California Code of Regulations (CCR)]. Generally, boat limits are calculated as the daily bag limit for a species or species group of fish times the number of anglers authorized to fish on a vessel.

The proposed changes would authorize daily boat limits for anglers aboard any vessel in ocean waters. Under the proposed regulation changes, those anglers who do not wish to continue to catch fish after they have taken their own daily bag limit(s) may chose to either stop fishing at that point, or continue to help catch fish for others who do not have a daily bag limit of fish, including hooking fish and passing the rod and reel to others to fight and land the fish, until the boat limit is achieved. An authorization for anglers to continue to fish until a boat limit is taken does not allow individual anglers to possess more than their individual daily bag limit for any species of finfish. Once a fishing trip is completed and anglers have disembarked from a vessel, an angler may only possess one daily bag limit of a species. unless the vessel is fishing under a Declaration of Multi-Day Fishing Trip filed with the Department pursuant to Section 27.15, Title 14, CCR.

Five alternatives that would authorize boat limits aboard CPFVs are being provided for Fish and Game Commission (Commission) consideration. These alternatives either authorize the operator(s) and crew members on a vessel to be included with the number of passengers authorized to fish when calculating boat bag limits for a fishing trip, or prohibit the operator(s) and crew members from being included when calculating boat limits. Also, these alternatives either allow or prohibit the operator(s) and crew members from catching and/or keeping fish during a trip towards achieving the boat limits or possessing fish at the end of a trip.

Other provisions are being considered under alternatives that would authorize boat limits as follows:

An authorization to take and possess boat limits does not apply to fishing trips originating in California where fish are taken in another jurisdiction. This change is needed to assure that California's sport fishing regulations do not inadvertently in conflict with those of other jurisdictions, and that California's boat limits are applicable only to angling from vessels in the waters off California.

- For each trip, the number of passengers, operator(s), and crew members are required to be recorded separately on the vessel logbook under "number of fishers" and next to the vessel operators' signature, respectively. This change will help assure that enforcement staff can distinguish between the number of passengers and operator(s)/crew members for purposes of calculating the authorized boat limits aboard a vessel.
- Upon completion of a sport fishing trip, persons authorized to take fish on that trip may not possess more than the authorized daily limit taken under a boat limit. This change will ensure that enforcement staff can determine whether the daily bag limit provisions for each species and species group have been complied with by individuals at the completion of a fishing trip.
- A fishing trip is completed at the time a person disembarks from the vessel. This change will help ensure that passengers, crew, and enforcement staff clearly understand at what point the trip is technically completed and persons will be accountable for violations of individual daily bag limits.
- Species and species groups for which no bag and possession limit exists are not included in the boat limit. This change will ensure that operator(s), crew members, passengers, and Department staff understand that species for which no bag limits presently exist are not involved in the calculation of a boat limit.
- Where boat limits are provided for in Section 195, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including, but not limited to violations of overlimits, possession of prohibited species, minimum size limits, and fish taken out of season or in closed areas. This change will help further clarify in regulation that the vessel operators and crew members, who are the primary persons handling fish aboard their vessels, are also primarily responsible for ensuring compliance with sport fishing regulations aboard their vessel.

Also, changes proposed in existing regulations governing CPFV logbooks would add and clarify provisions regarding identification, completion, availability, inspection, and confidentiality of CPFV logbooks. The proposed regulation changes also clarify that fish may not be taken or possessed by CPFV passengers, or the vessel owner or operator in violation of sport fishing regulations including taking more than the authorized individual daily limits prescribed in regulation.

Minor editorial changes are also proposed to improve the clarity and consistency of the regulations.

#### Section 1.17, Title 14, CCR, is amended to read:

# 1.17. Bag and Possession Limit.

No more than one daily bag limit of each kind of fish, amphibian, reptile, mollusk or crustacean named in these regulations may be taken or possessed by any one person unless otherwise authorized; regardless of whether they are fresh, frozen, or otherwise preserved.

Exceptions: See Sections 7.00, and 7.50 (a), 27.60 (e), and 195, Title 14, CCR. NOTE

Authority cited: Sections 200, 202 and 205, Fish and Game Code. Reference: Sections 18, 45, 62, 86, 200, 202, and 205, and 7120, Fish and Game Code.

#### §1.59. Limit.

# Informative Digest/Policy Statement Overview



Under existing regulations, recreational anglers fishing in waters of the Ocean and San Francisco Bay District (described in Section 27.00, Title 14, CCR) (ocean waters) are subject to individual daily bag

and possession limits that include a general 20-finfish daily bag and possession limit overall and other daily bag and possession limits specific to individual species of finfish [Sections 27.60 and 27.85 through 28.59, Title 14, California Code of Regulations (CCR)]. Also, under existing regulations, some species of fish have no daily bag limit (any number may be taken) [Subsection 27.60(d), Title 14, CCR]. Once a person has caught an authorized daily bag limit of fish, that person is supposed to stop fishing for that species. However, while not presently authorized, it has been common practice for anglers that have already caught a daily bag limit of a finfish aboard a boat to keep fishing to help fill the daily bag limit of other anglers aboard that have not yet caught a limit of fish.

Also, existing regulations require owners and operators of commercial passenger fishing vessels (CPFVs) to record information about each fishing trip, including numbers of anglers, fishing location, and fish caught aboard the CPFVs on logbooks, and provide that information to the Department (Section 195, Title 14, CCR). Existing regulations also specify that fish may not be taken or possessed by CPFV passengers, or the vessel owner or operator in excess of the individual daily limits prescribed in sport fishing regulations.

Proposed regulation changes would authorize what are commonly termed daily "boat bag limits" or simply "boat limits" by allowing anglers aboard vessels to continue to fish after they have taken their individual daily bag and possession limits, until the daily bag limit for all authorized anglers aboard a vessel is filled [Amends Sections 1.17, 1.59, 27.60, and 195, Title 14, California Code of Regulations (CCR)]. Generally, boat limits are calculated as the daily bag limit for a species or species group of fish times the number of anglers authorized to fish on a vessel.

The proposed changes would authorize daily boat limits for anglers aboard any vessel in ocean waters. Under the proposed regulation changes, those anglers who do not wish to continue to catch fish after they have taken their own daily bag limit(s) may chose to either stop fishing at that point, or continue to help catch fish for others who do not have a daily bag limit of fish, including hooking fish and passing the rod and reel to others to fight and land the fish, until the boat limit is achieved. An authorization for anglers to continue to fish until a boat limit is taken does not allow individual anglers to possess more than their individual daily bag limit for any species of finfish. Once a fishing trip is completed and anglers have disembarked from a vessel, an angler may only possess one daily bag limit of a species, unless the vessel is fishing under a Declaration of Multi-Day Fishing Trip filed with the Department pursuant to Section 27.15, Title 14, CCR.

Five alternatives that would authorize boat limits aboard CPFVs are being provided for Fish and Game Commission (Commission) consideration. These alternatives either authorize the operator(s) and crew members on a vessel to be included with the number of passengers authorized to fish when calculating boat bag limits for a fishing trip, or prohibit the operator(s) and crew members from being included when calculating boat limits. Also, these alternatives either allow or prohibit the operator(s) and crew members from catching and/or keeping fish during a trip towards achieving the boat limits or possessing fish at the end of a trip.

Other provisions are being considered under alternatives that would authorize boat limits as follows:

- An authorization to take and possess boat limits does not apply to fishing trips originating in California where fish are taken in another jurisdiction. This change is needed to assure that California's sport fishing regulations do not inadvertently in conflict with those of other jurisdictions, and that California's boat limits are applicable only to angling from vessels in the waters off California.
- For each trip, the number of passengers, operator(s), and crew members are required to be
  recorded separately on the vessel logbook under "number of fishers" and next to the vessel
  operators' signature, respectively. This change will help assure that enforcement staff can
  distinguish between the number of passengers and operator(s)/crew members for purposes of
  calculating the authorized boat limits aboard a vessel.

- Upon completion of a sport fishing trip, persons authorized to take fish on that trip may not possess more than the authorized daily limit taken under a boat limit. This change will ensure that enforcement staff can determine whether the daily bag limit provisions for each species and species group have been complied with by individuals at the completion of a fishing trip.
- A fishing trip is completed at the time a person disembarks from the vessel. This change will help ensure that passengers, crew, and enforcement staff clearly understand at what point the trip is technically completed and persons will be accountable for violations of individual daily bag limits.
- Species and species groups for which no bag and possession limit exists are not included in the boat limit. This change will ensure that operator(s), crew members, passengers, and Department staff understand that species for which no bag limits presently exist are not involved in the calculation of a boat limit.
- Where boat limits are provided for in Section 195, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including, but not limited to violations of overlimits, possession of prohibited species, minimum size limits, and fish taken out of season or in closed areas. This change will help further clarify in regulation that the vessel operators and crew members, who are the primary persons handling fish aboard their vessels, are also primarily responsible for ensuring compliance with sport fishing regulations aboard their vessel.

Also, changes proposed in existing regulations governing CPFV logbooks would add and clarify provisions regarding identification, completion, availability, inspection, and confidentiality of CPFV logbooks. The proposed regulation changes also clarify that fish may not be taken or possessed by CPFV passengers, or the vessel owner or operator in violation of sport fishing regulations including taking more than the authorized individual daily limits prescribed in regulation.

Minor editorial changes are also proposed to improve the clarity and consistency of the regulations.

#### Section 1.59, Title 14, CCR, is amended to read:

#### 1.59. Limit.

Refers to daily bag limit and possession limit per person, or boat limit authorized in Sections 27.60 (e) and 195, Title 14, CCR.

NOTE

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code. Reference: Sections 18, 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

#### §2.09. Possession of Illegal Gear.

# Informative Digest/Policy Statement Overview



Current regulations prohibit the use or possession of any landing gear, nets, gaffs, or spears in or within 100 yards of any stream in Mendocino, Monterey, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, and Sonoma counties. Some anglers prefer to use landing type dip nets to assist in landing salmon or steelhead when fishing in rivers or streams. Landing nets often prevent injury to fish that are being landed in rocky areas, or from a boat. The current regulations prohibit any landing gear or nets in or near streams in specified counties. The Department is proposing to expand the prohibition of any landing gear, nets, gaffs or spears to all inland waters statewide, including lakes and reservoirs, but allow the use or possession of standard landing type dip nets in inland waters, if dip nets do not exceed 36 inches in greatest dimension, excluding the handle.

In 2001, the regulation prohibiting the use of underwater viewing devices in the South Central District

was eliminated in the interest of regulation simplification. Since that time, Department enforcement personnel have identified instances of illegal use of face-mask type of underwater viewing devices and have requested the prohibition of underwater viewing devices used in inland waters for taking. A popular illegal method of taking salmon and steelhead incorporates a face mask or other underwater viewing device and a spear or large hook. Current regulations do not specifically prohibit the use or possession of underwater viewing devices for the purpose of taking fish. It is not the intent of this regulation to prohibit the use of electronic fish finders or video equipment used to generally locate fish. The Department is proposing to add non-electronic underwater viewing devices to Section 2.09 that identifies illegal gear, except when legally spear fishing in waters authorized by Section 2.30.

### Section 2.09, Title 14, CCR, is amended to read:

# 2.09 Possession of Illegal Gear

Except a otherwise provided, Ano person shall use or possess, except in his or her home, any landing gear, any nets, except standard landing-type dip nets not exceeding 36 inches in greatest dimension. excluding handle, gaffs, spears or other devices defined in Section 2.10 as unlawful to use, in or within 100 yards of any river, stream, lake or reservoir. in Mendocino, Monterey, San Luis Obispo, San Mateo. Santa Clara. Santa Cruz and Sonoma counties. Non-electronic underwater viewing devices may not be used for taking fish except under the provisions of Section 2.30. NOTE: Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections

#### §2.10. Fishing Methods--Use of Hooks and Weights, General.

200, 202, 205, 206, and 220, Fish and Game Code.

# Updated Informative Digest/Policy Statement Overview



Current regulations define the term "hook gap", and restrict hook gap sizes and length of shanks on hooks that anglers may use in inland waters of the State. Existing regulations also restrict various methods of attaching hooks and certain weights. The current Section 2.10 inadvertently allows the use of some types of gear that are highly effective for illegally snagging salmon, while making illegal some traditional striped bass and sturgeon fishing gear. The Department is proposing to further simplify hook size and lure weight restrictions by establishing consistent regulations for the majority of waters throughout the State, while preventing the use or possession of some of the more blatant snagging gear.

Current regulations for rivers and streams restrict maximum hook sizes at 5/8 inch for single hooks and 1/2 inch for multiple hooks. This regulation inadvertently prevents the use of some traditional sturgeon and striped bass gear. Current regulations also allow the use of a 5/8 inch multiple hook on a manufactured lure exceeding 1/2 ounce. Multiple hooks with a gap greater than 5/8 on manufactured lures exceeding one ounce are considered to be highly effective gear for illegal snagging in rivers and streams. In addition, the current regulations prohibit the use of hooks greater than 1/2 inch on buoyant lures. Buoyant lures are not an effective snagging tool and are frequently used by salmon, steelhead, and striped bass anglers.

With the combined goals of simplifying angling regulations while continuing to protect the State's fishery resources, the Department is proposing the following amendments to current regulations:

In all rivers and streams except the Sacramento-San Joaquin Delta, and the Colorado River, it is unlawful to:

- 1. use any multiple hook with a gap greater than 3/4 inch,
- 2. use any hook with a shank longer than 2 inches.
- 3. use any hook directly or indirectly attached closer than 18 inches to any weight exceeding 1/2

ounce.

- 4. use any multiple hook or more than one single hook on non-buoyant (sinking) lures exceeding one ounce.
- 5. attach any weight below a hook.

These amendments establish one maximum size for multiple hooks in all rivers and streams, and prohibit the use of some of the more effective snagging gear while allowing the use of traditional angling gear by the majority of sport anglers.

#### Section 2.10, Title 14, CCR, is amended to read:

# 2.10 Fishing Methods Hook and Weight Restrictions

- (a) Definition of Gap: For the purposes of this section, "gap" means the distance measured from the point of a hook to the shank.
- (b) Maximum Length of Shank: Hooks wit shanks longer than two inches are prohibited in all waters. Definition of shank: For the purposes of this section, "shank" is measured from the hook eye to the point opposite the point.
- (c) Maximum Gaps for Streams and Rivers: Unless otherwise provided (see subsection (e) below), no person shall, in any stream or river, use any single hook with a gap greater than 5/8 inch or any multiple hook with a gap greater than 1/2 inch.
- (d) Weight attachment Restriction for Rivers and Streams: It is unlawful to use, in any river or stream, any hook which is directly or indirectly attaché closer than 18 inches to any weight exceeding 1/2 ounce unless the weight is part of a manufactured or conventional lure.
- (e) Maximum Gaps for Lakes, the Sacramento-San Joaquin River Delta, and Other Areas Exempted from Subsection (c): No person shall use any single hook with a gap greater than 3/4 inch, or any multiple hook with a gap greater than 5/8 inch in any lake or reservoir, or in the Sacramento River below Bend Bridge, the San Joaquin River below Highway 132, or the Mokelumne River below Woodbridge Dam.
- (c) <u>Maximum Gaps and Gear Rigging (does not apply to lakes and reservoirs, the Sacramento-San Joaquin Delta (defined in Section 5.00), and the Colorado River.</u>
- 1. No person shall use any multiple hook with a gap greater than 3/4 inch or any hook with a shank longer than 2 inches.
- 2. It is unlawful to use any hook which is directly or indirectly attached closer than 18 inches to any weight exceeding 1/2 ounce
- 3. It is unlawful to use any multiple hook or more than one single hook on non-buoyant lures exceeding one ounce.
- 4. It is unlawful to use any weight attached below a hook.

Note:

Authority cited: Sections 200, 202, 205 and 220, Fish and Game Code.

Reference cited: Sections 200, 202, 205, 206 and 220, Fish and Game Code.

#### §5.00. Black Bass.

# Informative Digest/Policy Statement Overview

Current regulations define the eastern boundary of the Sacramento-San Joaquin River Delta as all rivers, sloughs, canals, cuts, forebays, and flooded islands west of Highway 99. Current and proposed regulations also permit more liberal hook-size and gear restrictions in Delta waters than in rivers upstream of the Delta. In a separate recommendation, the Department is proposing to prohibit some of the types of gear permitted in the Delta from approximately 14 miles of the lower Mokelumne River, between Highway 99 and Interstate 5. The purpose of this restriction is to protect salmon and steelhead in more vulnerable confined river habitats from the type of gear that is effective for catching striped bass and sturgeon in larger and more expansive waters. Some of this gear has been used in the past by poachers to illegally snag salmon and steelhead in the lower Mokelumne River where

fishery managers are attempting to restore those populations. Readjusting the western boundary of the Delta as defined in Section 5.00, and referencing the Delta definition in other sections, will increase protection of salmon and steelhead while continuing to maintain Delta fishing opportunities.

## Subsection (a)(1) of Section 5.00, Title 14, CCR, is amended to read:

#### 5.00 Black Bass.

It is unlawful to take or possess black bass except as provided below:

(Note: Some waters are closed to all fishing under Section 7.50.)

(a) General Statewide Restrictions:

(1) Lakes/Reservoirs and the Sacramento-San Joaquin Delta: The following waters, except for those listed in subsection (b) Special Regulations (below), are open to fishing all year, with a 12-inch minimum size limit and five-fish daily bag limit: All lakes and reservoirs in the State, and the Sacramento-San Joaquin River Delta, (which for the purposes of this regulation includes all rivers, sloughs, canals, cuts, forebays, and flooded islands within the area south of Highway 80, west of Highway 99 5, north of Highways 580, 205, and 120, and east of Highway 680).

# Informative Digest/Policy Statement Overview



Current statewide general regulations for black bass provide for a daily bag of five fish with a minimum size limit of 12 inches in total length, unless otherwise specified in special regulations. Diamond Valley Lake is currently managed according to general black bass regulations. The Department is proposing to impose a 15-inch minimum size limit and a five-fish daily bag limit for largemouth bass at Diamond Valley Lake. In addition, this proposal recommends that smallmouth bass have a zero (0) bag limit at Diamond Valley Lake.

Lake Perris is currently regulated under special black bass regulations that restrict the minimum size to 15 inches and the daily bag limit to two fish. The Department is proposing to remove the special black bass regulations and manage Lake Perris under the statewide general regulations for black bass where the minimum size limit is 12 inches total length and the daily bag limit is 5 fish.

## Subsection (b) of Section 5.00, Title 14, CCR, is amended to read:

5.00 Black Bass.

It is unlawful to take or possess black bass except as provided below:

(Note: Some waters are closed to all fishing under Section 7.50.)

(a) General Statewide Restrictions:

- (1) Lakes/Reservoirs and the Sacramento-San Joaquin Delta: The following waters, except for those listed in subsection (b) Special Regulations (below), are open to fishing all year, with a 12-inch minimum size limit and a five-fish daily bag limit: All lakes and reservoirs in the State, and the Sacramento-San Joaquin River Delta, (which for the purposes of this regulation includes all rivers, sloughs, canals, cuts, forebays, and flooded islands within the area south of Highway 80, west of Highway 99, north of Highways 580, 205, and 120, and east of Highway 680).
- (2) Rivers/Streams and Private Ponds: Rivers, streams, canals, and lakes or ponds entirely on private lands, which are not listed in subsection (b) Special Regulations (below), are open all year with no size limit and a five-fish daily bag limit.
- (b) Special Regulations: Counties and individual waters listed below are those having regulations different from the General Statewide Restrictions in subsection (a) above).

Area or Body of Water	Open Season	Size (total length)	Bag Limit
DISTRICTS AND COUNTIES WITH SPECIAL REGULATIONS			

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(1) Colorado River District: All waters (Bag and size limits conform with Arizona regulations.)	All year.	13-inch minimum.	6
(2) Inyo County: all streams, in addition to the lakes. Lakes are also covered by the (a)(1) General Statewide Restrictions above. (Also, see the special regulation for Haiwee Reservoir.)	All year.	12-inch minimum.	5
(3) Lassen County: all waters.	All year.	No size limit.	5
(4) Modoc County: all waters except Dorris and Sage Reservoirs (see (a)(1) General Statewide Restrictions (above) for these two lakes).	All year.	No size limit.	10
(5) Mono County: all waters.	All year.	No size limit.	5
(6) Plumas County: all waters.	All year.	No size limit.	5
(7) Shasta County: all lakes except Big, Britton, Shasta and Whiskeytown lakes (see subsection (a)(1) above for these four lakes).	All year.	No size limit.	5
INDIVIDUAL BODIES OF	WATER WITH SPEC		
(8) Barrett Lake (San Diego County). (Also see Section 2.08)	All year.	No black bass shall be possessed.	0
(9) Casitas Lake (Ventura County).	All year.	12-inch minimum. No more than one over 22 inches.	5
(10) Castaic Lake (Los Angeles County).	All year.	18-inch minimum.	2
(11) Cuyamaca Lake (San Diego County).	All year.	No size limit. No smallmouth bass shall be possessed.	5
(12) Diamond Valley Lake, (Riverside County)	All year.	Largemouth bass 15-inch minimum	<u>5</u>
		No smallmouth bass shall be possessed	<u>0</u>
(42-) (13) Eastman Lake (Madera and Mariposa Cos.) (Note: See Section 7.50(b)(62) for special area closures).	All year.	22-inch minimum.	1
( <del>13</del> ) ( <u>14</u> ) El Capitan Reservoir (San Diego County).	All year.	15-inch minimum.	5

Area or Body of Water	Open Season	Size (total length)	Bag Limit
( <del>14</del> ) ( <u>15</u> ) Fish Slough (Mono County),	All year.	No size limit.	5
except the fenced portions of Fish Slough within Owens Valley Native			
Fishes Sanctuaries and BLM Spring,			
which are closed to all fishing all year.			
( <del>15</del> ) <u>(16)</u> Haiwee Reservoir (Inyo County).	All year.	12-inch minimum.	2
( <del>16</del> ) (17) Hensley Lake (Madera County).	All year.	15-inch minimum.	2
( <del>17</del> ) <u>(18)</u> Hodges Lake (San Diego County).	All year.	15-inch minimum.	5
( <del>18</del> ) ( <u>19)</u> Isabella Lake (Kern County).	All year.	15-inch minimum.	2
( <del>19</del> ) <u>(20)</u> Kaweah Reservoir (Tulare County).	All year.	15-inch minimum.	2
( <del>20</del> ) ( <u>21</u> ) Lett's Lake (Colusa County).	All year.	No size limit.	5
(21) (22) McClure Reservoir (Mariposa	All year.	None between 12	5
County).		and 15 inches.	
(22) (23) Millerton Reservoir (Fresno and	All year.	None between 12	5
Madera counties).	,	and 15 inches.	
(23) (24) Oroville Lake (Butte County).	All year.	None between 12	5
(==, <u>(==,</u> ==================================	· <b>,</b> · ·	and 15 inches.	
(24) (25) Orr Lake (Siskiyou County).	All year.	None between 12 and 15 inches	5
(25) Perris Lake (Riverside County).	All year.	15-inch minimum.	2
(26) Plaskett Meadows lakes, upper and lower (Glenn County).	All year.	No size limit.	5
(27) Shaver Lake (Fresno County).	All year.	No size limit.	5
(28) Silverwood Lake (San Bernardino County).	All year.	15-inch minimum.	2
(29) Siskiyou Lake (Siskiyou County).	All year.	None between 12	5
(00) Oliver and also (Disposide Occords)	Alloran	and 15 inches.	
(30) Skinner Lake (Riverside County).	All year.	15-inch minimum.	2
(31) Success Reservoir (Tulare County).	All year.	15-inch minimum.	2
(32) Trinity Lake (Trinity County).	1: March 1 through May 31	12-inch minimum.	2
	2: June 1 through Feb. 29	12-inch minimum.	5
(33) Trout Lake (Siskiyou (County).	Only weekends and Wednesdays from Apr. 1 through Sept. 30.	22-inch minimum.	1 Only artificial lures may be used.
(34) Upper Otay Lake (San Diego County). (Also see Section 2.08).	All year.	No black bass shall be possessed.	0

# Informative Digest/Policy Statement Overview



Trout Lake is located within the Shasta Valley Wildlife Area (SVWA) in Siskiyou County. Current special fishing regulations provide for trout and black bass angling only on Wednesdays and weekends from April 1 through September 30. Department wildlife personnel at SVWA have determined that early season angling activity at Trout Lake is significantly impacting waterfowl nesting success. Department personnel have documented Canada geese permanently abandoning their nests at multiple locations on Trout Lake. In early to mid April during the 2002 angling season at Trout Lake, DFG personnel documented Canada goose nesting failures at twenty-three (23) of thirty (30) nesting platforms for a nesting failure rate of just over 75%. The primary reason for these nest failures was determined to be abandonment of the nest by adults that were driven off the nests by angler activity on Trout Lake. Goose nesting activities typically continue through the third week of April at Trout Lake.

The proposed regulation change would delay the special trout and black bass angling season opening date from April 1 to the last Saturday in April. This recommended change will eliminate human interference with goose and duck nesting activities on Trout Lake and substantially improve waterfowl production on the lake.

## Subsection (b)(33) of Section 5.00, Title 14, CCR, is amended to read:

Area or body of water	Open Season	Size (total Length)	Bag Limit
(33) Trout Lake (Siskiyou County)	Only weekends and	22-inch minimum.	1
	Wednesdays from	Only artificial lures	
	April 1-the last	may be used.	
	Saturday in April		
	through Sept. 30.		

NOTE: Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

#### §5.50. Mountain Whitefish.

# Informative Digest/Policy Statement Overview



The current regulations identify mountain whitefish, establish the open season, and set the bag limit at fifteen. The Department proposes to amend current regulations by reducing the bag limit for mountain whitefish from fifteen to five.

The mountain whitefish is a native salmonid game fish found in the Truckee, Carson and Walker River drainages of the eastern Sierra. Based on fishery surveys conducted by the Department and by experts in the academic community, the abundance and distribution of mountain whitefish is clearly diminished from historic levels. In the nineteenth and early twentieth centuries mountain whitefish were so abundant that commercial fisheries for them existed. Remaining whitefish populations have been fragmented by dam building and other habitat alterations. The existing mountain whitefish bag limit of 15 was established decades ago when bag limits for trout and other game fish species were higher than present. Conservation of this native species is now more of concern for fisheries managers than in the past.

The Department believes a more conservation-oriented fishery management approach is warranted that will reduce any potential impact that angling harvest may have on mountain whitefish populations. Also, because mountain whitefish is generally targeted by trout anglers in traditional trout waters. reducing the daily bag limit to five fish will make the whitefish bag limit consistent with general trout bag limits, thus simplifying angling regulations.

#### Section 5.50, Title 14, CCR, is amended to read:

#### 5.50. Mountain Whitefish

(a) Open season: No mountain Whitefish may be taken in any water except when trout may be taken in such water.

(b) Limit: Fifteen Five.

Note:

Authority cited: Sections 200-202, 205, 210, 219 and 220, Fish and Game Code Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code

# §5.75. Striped Bass.

# Informative Digest/Policy Statement Overview



The proposed regulation change will enable the Department to use striped bass as a means of controlling carp and threadfin shad populations in Lake Elsinore, Riverside County. The existing regulations Section 5.75, Title 14 CCR, places bag and size limits on striped bass caught in California. The statewide general regulation is a bag limit of 2 and a minimum size of 18 inches, except in the Colorado River District, the Southern District and New Hogan, San Antonio and Santa Margarita lakes in which the bag limit is 10 and there is no minimum size limit. In an effort to insure the striped bass are effective at controlling the shad and carp we are proposing to restrict the harvest of striped bass in Lake Elsinore.

The existing regulation would be modified for the more restrictive general regulations to be applied at Lake Elsinore in the Southern District. The harvest of striped bass in Lake Elsinore would be limited to existing statewide regulation of a two-fish bag limit and a minimum total length of 18 inches.

#### Subsection (d)(1) of Section 5.75, Title 14, CCR, is amended to read:

#### 5.75. Striped Bass

- (a) Open season: All year except for closures listed in special regulations.
- (b) Minimum size: 18 inches total length except in waters listed in (d) below.
- (c) Limit: Two, except in waters listed in (d) below.
- (d) Exceptions to general minimum size and bag limits:
- (1) In the Colorado River District, the Southern District (except Lake Elsinore which will have a limit of two and a minimum size of 18 inches in total length), and New Hogan, San Antonio and Santa Margarita lakes.
- (A) Limit: Ten.
- (B) Minimum size: No size limit.

NOTE:

Authority cited: Sections 200, 202, 205 and 215, Fish and Game Code. Reference: Sections 200, 202, 205 and 206, Fish and Game Code.

#### §7.00. District General Regulations.

#### Ø1 **Informative Digest/Policy Statement Overview**

Central Valley steelhead, Oncorhynchus mykiss, listed as threatened by NOAA Fisheries in 1998 and Central Valley spring-run Chinook salmon, Oncorhynchus tshawytscha, listed as threatened by NOAA Fisheries and the Fish and Game Commission in 1999, warrant maximum protection from anglers pursuing resident trout in tributaries to the Sacramento River. There are currently bait and hook restrictions on the tributaries of Shasta and Tehama counties currently listed in the special regulations section. Those anadromous streams without special regulations, however, do not have bait, harvest or hook restrictions other than the general statewide regulations regarding these items. This proposed

regulation would eliminate the use of bait and barbed hooks in anadromous waters in Shasta and Tehama counties in the general regulations for the Sierra District. When regulations for anadromous waters in Shasta and Tehama counties were adopted in 2001, gear restrictions in the general district section were inadvertently omitted from the regulations. This oversight allows the use of bait and barbed hooks in waters where no trout or salmon are allowed to be harvested and thus could subject the fish to unnecessary injury and mortality.

### Subsections (b)(1) of Section 7.00, Title 14, CCR, are amended to read:

Area or Body of Water	Open Season	Bag Limit
(b) Sierra District		
(1) Anadromous waters of Tehama and Shasta	Last Saturday in Apr.	0
counties not listed in the Special Regulations.	through Nov. 15.	
(Section 7.50). (See subsection (b)(156) of	Only artificial lures	
Section 7.50, regarding the Sacramento River.)	and barbless hooks	
	may be used.	

### Informative Digest/Policy Statement Overview



Under the current general regulation for lakes and streams in Inyo County (subsection (b)(3) of Section 7.00, and numerous subsections of Section 7.50), the open fishing season is from the last Saturday in April through October 31. The Department is recommending that the Commission extend the open season specified in these regulations to include the first two weeks in November. The change will bring the Inyo County trout season into conformity with that of neighboring Mono County and for most other Sierra District streams, which currently have open fishing seasons from the last Saturday in April through November 15.

The Department's recommendation is based on a request made by the Inyo County Board of Supervisors (Board), that the open season for all Inyo County lakes be extended to include all of November. The Board's request was based on their desire to promote the county's tourism-oriented economy.

The Department believes that extending the fishing season from October 31 to November 15. in certain waters of Inyo County has the potential to both increase angling opportunity and benefit the local economy, with no detrimental effects on the fisheries.

#### Subsections (b)(2) through (b)(9) of Section 7.00, Title 14, CCR, are amended to read:

(2) All lakes and reservoirs except those in the Fall River Valley, those in Inyo and Mono counties and those listed by name in the Special Regulations.	All year.	5 per day 10 in possession
(3) All streams, lakes and reservoirs in Inyo County, except those listed by name in the Special Regulations.	Last Saturday Apr. through Oct. 31.	5 per day 10 in possession
(4 <u>3</u> ) All streams, lakes and reservoirs in <u>Inyo and</u> Mono <del>County</del> <u>counties</u> , except those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	5 per day 10 in possession

$(5\underline{4})$ All streams, lakes and reservoirs in the Fall River Valley above the Pit No. 1 Powerhouse on Fall River in Shasta County, except those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	2
(6 <u>5</u> ) All streams in Lassen and Modoc counties east of Highway 395 and north of Clarks Valley Road. Clarks Valley Road is defined as those portions of county routes 510, 512 and 506 running easterly from the town of Madeline to the Nevada border.	Saturday preceding Memorial Day through November 15.	5 per day 10 in possession
(7 <u>6</u> ) All other streams except those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	5 per day 10 in possession
(& <u>7</u> ) Mono County waters, when closed to trout fishing, are closed to all fishing, except for the unrestricted portions of Fish Slough which are open to fishing all year. Also, see subsection (b)(68.3) of Section 7.50 and subsection (b)(15) of Section 5.00.		

# (98) SPECIAL BROOK TROUT BONUS BAG AND POSSESSION LIMIT:

- (A) IN SIERRA DISTRICT WATERS OF SISKIYOU, SHASTA AND TEHAMA COUNTIES, UP TO 10 BROOK TROUT PER DAY LESS THAN 8 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESSED IN ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIERRA DISTRICT.
- (B) IN THE SIERRA DISTRICT SOUTH OF INTERSTATE 80, UP TO 10 BROOK TROUT PER DAY LESS THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESSED IN ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIERRA DISTRICT. THIS ALLOWANCE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN, LANE OR ROOSEVELT LAKES IN MONO COUNTY.

# Informative Digest/Policy Statement Overview



Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

#### Subsection (e)(2) of Section 7.00, Title 14, CCR, is amended to read:

Area or Body of Water	Open Season	Bag Limit
(e) South Central District		
(1) All lakes and reservoirs except those	All Year	5
listed by name in the Special		
Regulations.		
(2) That portion of any stream west of	Nov. 16 Dec. 1 through Mar. 7,	0
any Highway 1 bridge except those	Feb 28, but only on Sat., Sun.,	
listed by name in the Special	Wed., legal holidays and opening	
Regulations.	and closing days. Only barbless	
	hooks may be used.	

# **Informative Digest/Policy Statement Overview**



Steelhead trout populations within the Southern California Steelhead Evolutionarily Significant Unit (ESU), from the Santa Maria River (inclusive) to Malibu Creek, were listed by the federal government as endangered in October 1997. On May 2, 2002, the National Marine Fisheries Service (NMFS) extended the range of the Southern California Steelhead ESU from Malibu Creek to the Mexican border.

Current general regulations for trout in the Southern Fishing District allow fishing all year with a five-fish bag limit in all streams of Orange,

San Bernardino, Riverside, and portions of Los Angeles counties, except for waters listed in Special Fishing Regulations. Regulations for streams in

San Diego County allow fishing all year with artificial lures and barbless hooks only, and a two-fish bag limit, except for waters listed in Special Fishing Regulations.

In recognition of the new range extension and to comply with federal Endangered Species Act, NMFS and the Department are recommending that anadromous portions of all streams in the newly extended range be closed to all fishing. Specific streams listed in the Special Fishing Regulations that this proposal will affect include: San Juan Creek (Orange County), San Mateo Creek (San Diego and Riverside counties), Santa Margarita River (San Diego and Riverside counties), San Luis Rey River (San Diego County), Sweetwater River (San Diego County), and Topanga Creek (Los Angeles County). In addition the District General Regulations will include closures to anadromous portions of streams not named in the Special Fishing Regulation section. For angler clarification, the Department is proposing to describe the anadromous sections of Arroyo Trabucco Creek and Santa Ynez River, and add these streams to the list of waters with special regulations.

Since this proposal was first noticed, Department biologists have received information that closures on the San Gabriel River and San Diego Creek would eliminate popular non-salmonid fisheries near the mouths of these streams (carp and marine species). To preserve fishing opportunities during the period when steelhead are unlikely to be present at stream mouths, the Department is proposing to allow fishing near the mouths of San Gabriel River and San Diego Creek during the Saturday before Memorial Day through November 30. To further reduce the vulnerability of steelhead to hooking injury, the Department is recommending that only artificial lures and barbless hooks may be used.

The Department is also recommending removal the Santa Clara River from the reference of streams open for trout fishing all year that appears in the General District Regulations, Section 7.00. The stream is a steelhead migratory route and warrants closing to protect endangered steelhead.

The Department is also recommending closing that portion of the Santa Ynez River upstream of

Gibraltar Dam to provide refugia for a unique population of native rainbow trout. It is believed these fish are remnant native steelhead that became landlocked after the construction of Gibraltar Dam in 1920. Preservation of this gene pool may be an important element in the future recovery Santa Ynez River steelhead.

## Subsection (f) of Section 7.00, Title 14, CCR, is amended to read:

Area or Body of Water	Open Season	Bag Limit
(f) Southern District		
(1) All lakes and reservoirs except those	All year.	5
listed by name in the Special		
Regulations.		
(2) All streams except anadromous	All year. Only artificial lures with	2
waters in San Diego County, and except	barbless hooks may be used.	
those listed by name in the Special	-	
Regulations.		
(3) All streams except anadromous	All year.	5
waters in Los Angeles, Ventura, Santa		
Barbara, Orange, San Bernardino and		
Riverside Counties, and except those		
listed by name in the Special		
Regulations.		
(4) All streams in Los Angeles County,	All year.	<del>5</del>
except those that are west of Highway 27	Closed to all fishing all year	
and south of Interstate 101 and those		
listed by name in the Special		
Regulations.		
All anadromous waters except those		
listed by name in the Special Regulations		
(See definition of anadromous waters,		
<u>Section 1.04)</u>		
(5) All streams and tributaries (except	All year	5
those listed by name in the Special		
Regulations) above Twitchell Dam on the		
Cuyama River, <u>above</u> Bradbury Dam <u>and</u>		
below Gibraltar Dam on the San Ynez		
River; Robles Diversion n on the		
Ventura River; Highway Dridge over		
the Santa Clara River; and Rindge Dam		
on Malibu Creek.		
(6) All other streams or portions of	Closed to all fishing all year.	
streams except those listed by name in		
the Special Regulations.		

#### NOTE

Authority cited: Sections 200, 202, 205, 220 and 240, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

### §7.50. Alphabetical List of Waters with Special Fishing Regulations.

# Informative Digest/Policy Statement Overview

Current regulations allow fishing in the Albion River (Mendocino County) from the mouth upstream to the confluence of the North Fork Albion River. The open season is from the fourth

Saturday in May through March 31. From the fourth Saturday in May through October 31, the daily bag limit is zero, and only artificial lures and barbless hooks may be used. Winter steelhead fishing is allowed from November 1 through March 31, with a daily bag limit of 1 hatchery steelhead or trout, and the use of barbless hooks only.

Coho salmon from San Francisco north to Punta Gorda have been recommended for listing as Endangered by the Department, however, the Fish and Game Commission as yet to take final action on the listing recommendation. According to recent information noted during the development of the Department's Coho Salmon Recovery Strategy, the Albion River currently supports one of the largest coho salmon runs of coastal streams in Mendocino and Sonoma counties. A large portion of the coho spawning activity takes place in the main-stem reach from the confluence of the South Fork upstream approximately four miles to the confluence of the North Fork. Because of the significant spawning activity in this reach and the critically low level of the coho population north of San Francisco, the Department and NOAA Fisheries are recommending the closure of the Albion River to fishing upstream from the confluence of the South Fork.

Other free-flowing coastal streams are typically closed to fishing in areas where significant spawning occurs, and this proposed change is consistent with providing protection for spawning refugia in similar streams.

#### Subsections (b)(2) of Section 7.50, Title 14, CCR, are amended to read:

(2)Albion River (Mendocino Co.). Also see Section 8.00(e <u>b</u> ). Main stem below the confluence of	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	0
North South Fork Albion.	Nov. 1 through Mar. 31. Only barbless hooks may be used.	1 hatchery trout or 1 hatchery steelhead**

# Informative Digest/Policy Statement Overview



Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

Subsection (b)(8), of Section 7.50, Title 14, CCR, is amended to read:

(8) Aptos Creek (Santa Cruz Co.) from	Nov. 16 Dec. 1 through Mar. 7,	0
mouth to bridge <del>at mile 2.0 up</del> on Aptos	<del>Feb 28,</del> but only on Sat., Sun.,	
Creek Road.	Wed., legal holidays and opening	
	and closing days. Only barbless	
	hooks may be used.	

# Subsection (b)(12) of section 7.50, Title 14, CCR, is amended to read:

(12) Arroyo Seco River (Monterey Co.)		
(A) The main stem Arroyo Seco and all	Last Saturday in Apr. through	5
tributaries A above the waterfall and	Nov. 15.	
footbridge located approximately 3.5		
miles upstream from the bridge at the		
U.S. Forest Service Ranger Station.		
(B) The main stem Arroyo Seco and all	Nov. 16 Dec. 1 through Mar. 7,	0
tributaries Bbelow the waterfall and	<del>Feb 28,</del> but only on Sat., Sun.,	
located approximately 3.5 miles	Wed., legal holidays and opening	
upstream from the bridge at the U.S.	and closing days. Only barbless	
Forest Service Ranger Station.	hooks may be used.	

# Subsection (b)(23) of Section 7.50, Title 14, CCR, is amended to read:

(23) Big Sur River and tributaries above the above the upstream end of the gorge pool at the boundary of Pfeiffer Big Sur State Park with the Ventura Wilderness Area (Monterey Co.).		
(A) The river and its tributaries above the upstream end of the gorge pool at the boundary of Pfeiffer Big Sur State Park with the Ventana Wilderness Area.	Fourth Saturday in May through Oct.31. Only artificial lures with barbless hooks may be used.	0
(B) The river within Pfeiffer Big Sur State Park, east of the Highway 1 bridge, to its boundary with the Ventana Wilderness Area.	Closed to fishing all year.	

# Subsection (b)(29) of Section 7.50, Title 14, CCR, is amended to read:

(29) Butano Creek (San Mateo Co.).		
(A) Above Butano Falls.	Last Saturday in Apr. through	5 trout
	Nov. 15.	
(B) From mouth to county bridge on	Nov. 16 Dec. 1 through Mar. 7,	0
Pescadero-Bean Hollow Road.	Feb 28, but only on Sat., Sun.,	
	Wed., legal holidays and opening	
	and closing days. Only barbless	
	hooks may be used.	

# Subsection (b)(37) of Section 7.50, Title 14, CCR, is amended to read:

(37) Carmel River below Los Padres		
Dam.		
(A) Carmel River tributaries below Los	Closed to fishing all year.	
Padres Dam and main stem from Los		
Padres Dam to the bridge at Robles Del		

Rio/Esquiline roads (Rosie's Bridge).		
(B) Carmel River main stem below the	Nov. 16 Dec. 1 through Mar. 7,	0
bridge at Robles Del Rio/Esquiline	Feb 28, but only on Sat., Sun.,	
roads (Rosie's Bridge). Also, see	Wed., legal holidays and opening	
Section 8.00 for low-flow closure.	and closing days. Only barbless	
	hooks may be used.	

# Subsection (b)(40) of Section 7.50, Title 14, CCR, is amended to read:

ſ	(40) Chorro Creek (San Luis Obispo	Nov. 16 Dec. 1 through Mar. 7,	0
	Co.) from the point that Chorro creek	<del>Feb 28,</del> but only on Sat., Sun.,	
	enters Midway Marina in Morro Bay	Wed., legal holidays and opening	
	upstream to the twin bridges on South	and closing days. Only barbless	
	Bay Boulevard.	hooks may be used.	

# Updated Informative Digest/Policy Statement Overview \*\*



Current regulations in known steelhead waters of the South Central Sport Fishing District are directed at providing catch-and-release angling opportunities for adult steelhead during December through February. Trout fishing during the summer general trout season in steelhead streams is prohibited. Recent information has identified five additional streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated under steelhead angling regulations. These streams are currently regulated under the general trout season which allows for the harvest of 5 trout per day. To prevent unnecessary mortality on ESA-listed juvenile steelhead, the Department is proposing a regulation change to prohibit summer trout fishing and allow no-harvest angling during the winter steelhead season from December 1 through March 7 in the following five streams: 1) Codornices Creek (Alameda Co.), 2) Coyote Creek downstream from Upper Penitencia Creek (Santa Clara Co.), 3) Upper Penitencia Creek (Santa Clara Co.), 4) Pinole Creek (Contra Costa Co.) and 5) Stevens Creek downstream of Stevens Reservoir(Santa Clara Co.). During this period fishing would be allowed only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Only barbless hooks could be used. This proposed change will make regulations in the above streams consistent with other steelhead streams in the South Central Sport Fishing District.

Recent information has identified streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated to provide protection for juvenile steelhead. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on juvenile steelhead, which are federally listed as Threatened, the Department is proposing a regulation change that prohibits fishing in the following streams: 1) Codornices Creek (Alameda Co.), and 2), Pinole Creek (Contra Costa Co.), and 3) Upper Penitencia Creek. This proposal also includes a no-harvest restriction for trout, steelhead and salmon while allowing harvest of warm water fish in 1) Covote Creek (Santa Clara County) below Anderson Reservoir, 2) Stevens Creek downstream of Stevens Reservoir (Santa Clara County), and 3) the Guadalupe River below Guadalupe Reservoir (Santa Clara County), including its tributaries of Los Gatos Ck. below Vasona Lake, and Alamitos Ck. and Arroyo Calero below Calero Reservoir. The purpose of allowing harvest of warm water species is to reduce the number of warm water predators that prey on juvenile trout and steelhead. Gear restrictions that prohibit the use of bait are proposed to prevent incidental hooking injuries to trout while fishing for other species.

In addition, current regulations on Sausal Creek, a small urban stream in Alameda County, allow for fishing during the general trout season from the last Saturday in April through November 15, with a five-fish daily bag limit. Local residents have become interested in restoring Sausal Creek that has been degraded because of urbanization, unnatural flows, sedimentation, and contaminants. Along with restoration efforts, many of the local residents have expressed interest in reducing any harvest of trout. Most of the observed angling activity in this stream is by

children. Although little data is available determine the impact of current regulations on the trout population, to honor the concerns from the local citizens and maintain angling opportunities in an urban area, the Department recommends changing the regulations for Sausal Creek to a zero bag limit, with artificial lures and barbless hooks only.

## Subsection (b)(42.3) of Section 7.50, Title 14, CCR, is added to read:

Area or Body of Water	Open Season	Bag Limit
(42.3) Codornices Creek (Alameda	Dec. 1 through Mar. 7, but only on	<u>0</u>
<u>Co.).</u>	Sat., Sun., Wed., legal holidays and	
	opening and closing days. Only	
	barbless hooks may be used.	
	Closed to all fishing all year	

# Informative Digest/Policy Statement Overview



Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

#### Subsection (b)(45) of Section 7.50, Title 14, CCR, is amended to read:

(45) Corralitos Creek (Santa Cruz Co.)	Nov. 16 Dec. 1 through Mar. 7,	0
from mouth to Browns Valley Road.	<del>Feb 28,</del> but only on Sat., Sun.,	
	Wed., legal holidays and opening	
	and closing days. Only barbless	
	hooks may be used.	

#### Informative Digest/Policy Statement Overview



Under the current general regulation for lakes and streams in Inyo County (subsection (b)(3) of Section 7.00, and numerous subsections of Section 7.50), the open fishing season is from the last Saturday in April through October 31. The Department is recommending that the Commission extend the open season specified in these regulations to include the first two weeks in November. The change will bring the Inyo County trout season into conformity with that of neighboring Mono County and for most other Sierra District streams, which currently have open fishing seasons from the last Saturday in April through November 15.

The Department's recommendation is based on a request made by the Inyo County Board of Supervisors (Board), that the open season for all Inyo County lakes be extended to include all of November. The Board's request was based on their desire to promote the county's tourism-oriented economy.

The Department believes that extending the fishing season from October 31 to November 15, in certain waters of Inyo County has the potential to both increase angling opportunity and benefit the local economy, with no detrimental effects on the fisheries.

#### Subsection (b)(48), of Section 7.50, Title 14, CCR, is amended to read:

(48) Cottonwood Creek (Inyo Co.)		
(A) Cottonwood Creek main stem between moth of Little Cottonwood Creek and South Fork of Cottonwood Creek.	July 1 through <del>Oct. 31.</del> <u>Nov. 15.</u> Only artificial lures with barbless hooks may be used.	0
(B) Cottonwood Creek and tributaries upstream from the confluence of South Fork Cottonwood Creek, (2) Little Cottonwood Creek, (3) the South Fork of Cottonwood Creek and its tributaries, and (4) the unnamed tributary flowing through Horseshoe Meadow.	July 1 through <del>Oct. 31</del> <u>Nov. 15.</u> Only artificial lures with barbless hooks may be used.	5

#### Subsection (b)(49), of Section 7.50, Title 14, CCR, is amended to read:

(49) Cottonwood Creek drainage lakes (Inyo Co.)		
(A) Cottonwood Lakes 1, 2, 3 and 4 and their tributaries (Inyo Co.).	July 1 through <del>Oct. 31.</del> <u>Nov. 15.</u> Only artificial lures with barbless hooks may be used.	0
(B) All remaining Cottonwood Creek drainage lakes	July 1 through <del>Oct. 31.</del> <u>Nov. 15.</u> Only artificial lures with barbless hooks may be used.	5

# Updated Informative Digest/Policy Statement Overview \*\* 🟝



Current regulations in known steelhead waters of the South Central Sport Fishing District are directed at providing catch-and-release angling opportunities for adult steelhead during December through February. Trout fishing during the summer general trout season in steelhead streams is prohibited. Recent information has identified five additional streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated under steelhead angling regulations. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on ESA listed juvenile steelhead, the Department is proposing a regulation change to prohibit summer trout fishing and allow no-harvest angling during the winter steelhead season from December 1 through March 7 in the following five streams: 1) Codornices Creek (Alameda Co.), 2) Covote Creek downstream from Upper Penitencia Creek (Santa Clara Co.), 3) Upper Penitencia Creek (Santa Clara Co.), 4) Pinole Creek (Contra Costa Co.) and 5) Stevens Creek downstream of Stevens Reservoir(Santa Clara Co.). During this period fishing would be allowed only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Only barbless hooks could be used. This proposed change will make regulations in the above streams consistent with other steelhead streams in the South Central Sport Fishing District.

Recent information has identified streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated to provide protection for juvenile steelhead. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on juvenile steelhead, which are federally listed as Threatened, the Department is proposing a regulation change that prohibits fishing in the following streams: 1) Codornices Creek (Alameda Co.), and 2), Pinole Creek (Contra Costa Co.), and 3) Upper Penitencia Creek. This proposal also includes a no-harvest restriction for trout, steelhead and salmon while allowing harvest of warm water fish in 1) Coyote Creek (Santa Clara County) below Anderson Reservoir, 2) Stevens Creek downstream of Stevens Reservoir

(Santa Clara County), and 3) the Guadalupe River below Guadalupe Reservoir (Santa Clara County), including its tributaries of Los Gatos Ck, below Vasona Lake, and Alamitos Ck, and Arroyo Calero below Calero Reservoir. The purpose of allowing harvest of warm water species is to reduce the number of warm water predators that prey on juvenile trout and steelhead. Gear restrictions that prohibit the use of bait are proposed to prevent incidental hooking injuries to trout while fishing for other species.

In addition, current regulations on Sausal Creek, a small urban stream in Alameda County, allow for fishing during the general trout season from the last Saturday in April through November 15, with a five-fish daily bag limit. Local residents have become interested in restoring Sausal Creek that has been degraded because of urbanization, unnatural flows, sedimentation, and contaminants. Along with restoration efforts, many of the local residents have expressed interest in reducing any harvest of trout. Most of the observed angling activity in this stream is by children. Although little data is available determine the impact of current regulations on the trout population, to honor the concerns from the local citizens and maintain angling opportunities in an urban area, the Department recommends changing the regulations for Sausal Creek to a zero bag limit, with artificial lures and barbless hooks only.

#### Subsection (b)(50.8) of Section 7.50, Title 14, CCR, is added to read:

Area or Body of Water	Open Season	Bag Limit
(50.8) Coyote Creek (Santa Clara	Dec. 1 through Mar. 7, but only on	<u>0 trout</u>
Co.) downstream from confluence of	Sat., Sun., Wed., legal holidays and	0 steelhead
Upper Penitencia Ck. below	opening and closing days. Only	0 salmon
Anderson Reservoir.	barbless hooks may be used.	(See Article 4.
	Last Saturday in April through	Species
	November 15. Only artificial lures	Regulations
	and barbless hooks may be used.	for bag limits
		for other fish).

# Informative Digest/Policy Statement Overview



Under the current general regulation for lakes and streams in Inyo County (subsection (b)(3) of Section 7.00, and numerous subsections of Section 7.50), the open fishing season is from the last Saturday in April through October 31. The Department is recommending that the Commission extend the open season specified in these regulations to include the first two weeks in November. The change will bring the Inyo County trout season into conformity with that of neighboring Mono County and for most other Sierra District streams, which currently have open fishing seasons from the last Saturday in April through November 15.

The Department's recommendation is based on a request made by the Inyo County Board of Supervisors (Board), that the open season for all Inyo County lakes be extended to include all of November. The Board's request was based on their desire to promote the county's tourism-oriented economy.

The Department believes that extending the fishing season from October 31 to November 15, in certain waters of Inyo County has the potential to both increase angling opportunity and benefit the local economy, with no detrimental effects on the fisheries.

#### Subsection (b)(53), of Section 7.50, Title 14, CCR, is amended to read.

(53) Haiwee Reservoirs (Inyo County)	First Saturday in Mar. through <del>Oct,</del> 31. Nov. 15.	5 per day 10 in possession
	Nov. 4 <u>16</u> through the Friday preceding the first Saturday in Mar.	5

#### Subsection (b)(58), of Section 7.50, Title 14, CCR, is amended to read.

(58) Diaz Lake (Inyo Co.)	First Saturday in Mar. through <del>Oct,</del> <del>31.</del> Nov. 15.	5 per day 10 in possession
	Nov. 4 <u>16</u> through the Friday preceding the first Saturday in Mar.	5

# Updated Informative Digest/Policy Statement Overview 🛨 🖾



Sacramento River system spring-run Chinook salmon are listed as threatened under both State and federal endangered species acts. Although the population has remained stable in recent years, the Department is attempting to better differentiate the spring and fall runs, and is proposing to reduce the current level of spring-run Chinook harvest.

Current regulations in the Feather River allow angling for spring-run Chinook salmon, and based on recent angler survey results, approximately 2,000 spring Chinook are harvested in the Feather River by anglers during the period April through June. During January 1 through September 30, up to 3 salmon per day are allowed to be harvested from the Highway 70 Bridge to the mouth of Honcut Creek, and 2 salmon per day from the mouth of Honcut Creek to the Feather River mouth.

The Department is concerned that the present harvest level of spring-run Chinook salmon in the Feather River is too great to affect recovery for this threatened species. This concern is supported by the inability of Feather River Hatchery to meet its egg production goal of 7 million eggs because of insufficient numbers of spawners. Last year, the spring-run Chinook egg-take was 2.3 million eggs, only 33 percent of the goal.

To accomplish reduced harvest of spring-run Chinook salmon in the Feather River, the Department is recommending the closure of some areas to fishing and reducing the bag limit during the period when spring-run Chinook are most vulnerable to angling. These changes include: (a) prohibit angling from the Table Mountain bicycle bridge to the Highway 70 Bridge during March 1 July 16 through December 31. (b) from the Highway 70 Bridge to the Feather River mouth, reduce the salmon bag limit to 0 during March 1 through July 31, and (c) prohibit fishing all year within an area 100 yards upstream or downstream of the Thermalito Afterbay outlet.

Under the proposed regulations, anglers will still have the opportunity to catch and retain 3 Chinook salmon during the peak fishing months of August and September. (b) from the Highway 70 Bridge to the Feather River mouth Highway 20 bridge, reduce the salmon bag limit to 9 1 during March 1 through July 31 15, and (e) prohibit fishing all year within an area 100 yards upstream and downstream of the Thermalite Afterbay outlet. Under the proposed regulations, anglers will still have the opportunity to catch and retain 3 Chinook salmon during the peak fishing months of August and September. (c) Reduce the bag limit to 0 from Highway 20 to the Feather River mouth during March 1 through July 15 to prevent the harvest of Yuba River spring-run Chinook. Anglers will have an opportunity to harvest three salmon from the Highway 70 bridge to Sunset Pumps from July 16 through September 30, and from Sunset Pumps to the mouth from July 16 through the last day in February.

The Department is also proposing to increase the bag limit of steelhead from 1 to 2 hatchery trout or hatchery steelhead. There is a surplus of hatchery-steelhead spawners that should be made available for angler harvest.

The Department is also proposing to replace Honcut Creek with Sunset pumps as a dividing point between regulatory subsections. This change will make river sections defined in regulation consistent with creel survey sections thereby facilitating evaluation of angling regulations.

# Subsection (b)(68) of Section 7.50, Title 14, CCR, is amended to read:

(68) Feather River below Oroville		
Dam (Butte, Sutter and Yuba Cos.)  (A) Fish Barrier Dam to Table	Closed to fishing all year	
Mountain bicycle bridge in Oroville.	Closed to listling all year	
(B) Table Mountain bicycle bridge to Highway 70 bridge.	Jan. 1 through Aug. 30. the last day in Feb. July 15. Only barbless hooks may be used.	1 <u>2</u> <u>1</u> hatchery trout or 1 <u>2</u> <u>1</u> hatchery steelhead** 0 <u>3</u> <u>0</u> salmon
(C) Highway 70 bridge to appoint 100 yards upstream from Thermalito Afterbay outlet Highway 20 bridge. Sunset Pumps (approx. 5 miles downstream of the town of	Jan. 1 through <del>Sep. 30.</del> <u>the last</u> <u>day in Feb.</u>	4 <u>2</u> <u>1</u> hatchery trout or 4 <u>2</u> <u>1</u> hatchery steelhead** 3 king salmon
<u>Live Oak).</u>	Oct. 1 through Dec. 31. Mar. 1 through July 31. 15	4 <u>2</u> <u>1</u> hatchery trout or 4 <u>2</u> <u>1</u> hatchery steelhead** θ <u>1</u> salmon
	Aug. 1 July 16 through Sep. 30.	2 1 hatchery trout or 2 1 hatchery steelhead** 3 king salmon
	Oct. 1 through Dec. 31.	2 1 hatchery trout or 2 1 hatchery steelhead** 0 salmon
(D) From a point 100 yards upstream of Thermalito Afterbay outlet to the mouth of Honcut Creek. a point 100 yards	Closed to all fishing all year. Jan. 1 through Oct. 15.	1 hatchery trout or 1 hatchery steelhead** 3 king salmon
downstream of Thermalito Afterbay outlet.	Oct. 16 through Dec. 31.	1 hatchery trout or 1 hatchery steelhead** 0 salmon
(D) Sunset Pumps (approx. 5 miles downstream of the town of Live Oak) to Highway 20.	Mar. 1 through July 15.	1 hatchery trout or 1 hatchery steelhead** 1 salmon
	July 16 through the last day in Feb.	1 hatchery trout or 1 hatchery steelhead** 3 salmon
(E) Mouth of Honcut Creek Highway 20 bridge to Feather River mouth.	All year. Mar. 1 through July 31 15.	2 1 hatchery trout or 2 1 hatchery steelhead** 2 0 salmon
	Aug. 1 July 16 through the last day in Feb.	2 1 hatchery trout or 2 1 hatchery steelhead** 3 king salmon

\*\*Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.

# Informative Digest/Policy Statement Overview

Current regulations allow fishing in the Guadalupe River from the last Saturday in May through November 15 with a five-fish, trout and salmon bag limit. The Guadalupe River below Guadalupe Reservoir is an anadromous stream that currently supports steelhead trout and Chinook salmon. Steelhead trout are listed as federally threatened according to the Endangered Species Act. The Department is recommending a regulation change that eliminates the harvest of resident trout, steelhead trout or salmon in the Guadalupe River below Guadalupe Reservoir, but allows catch-and-release fishing for trout and salmon during last Saturday in May through November 15. The Department is also proposing that anglers may use only artificial lures with barbless hooks.

Available evidence does not support the contention that legal angling is suppressing the Chinook salmon population that has recently developed in the Guadalupe River. However, the Department is supporting this regulation request, that includes a zero bag limit for salmon, to simplify the regulations, and encourage continued cooperative efforts by several government and private agencies, and local citizens directed at restoring anadromous salmonid habitat in the Guadalupe River. Because the Chinook salmon in Guadalupe River are not considered unique and are not listed as threatened or endangered, future consideration may be given to allowing a limited harvest, if Chinook population levels warrant.

#### Subsection (b)(72.5) of Section 7.50, Title 14, CCR, is added to read:

(72.5) Guadalupe River below Guadalupe Reservoir (Santa	Last Saturday in Apr. through Nov. 15.	<u>θ</u>
Clara Co.).	Only artificial lures and barbless	
	hooks may be used.	

Recent information has identified streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated to provide protection for juvenile steelhead. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on juvenile steelhead, which are federally listed as Threatened, the Department is proposing a regulation change that prohibits fishing in the following streams: 1) Codornices Creek (Alameda Co.), and 2), Pinole Creek (Contra Costa Co.), and 3) Upper Penitencia Creek. This proposal also includes a no-harvest restriction for trout, steelhead and salmon while allowing harvest of warm water fish in 1) Coyote Creek (Santa Clara County) below Anderson Reservoir, 2) Stevens Creek downstream of Stevens Reservoir (Santa Clara County), and 3) the Guadalupe River below Guadalupe Reservoir (Santa Clara County), including its tributaries of Los Gatos Ck. below Vasona Lake, and Alamitos Ck. and Arroyo Calero below Calero Reservoir. The purpose of allowing harvest of warm water species is to reduce the number of warm water predators that prey on juvenile trout and steelhead. Gear restrictions that prohibit the use of bait are proposed to prevent incidental hooking injuries to trout while fishing for other species.

In addition, current regulations on Sausal Creek, a small urban stream in Alameda County, allow for fishing during the general trout season from the last Saturday in April through November 15, with a five-fish daily bag limit. Local residents have become interested in restoring Sausal Creek that has been degraded because of urbanization, unnatural flows, sedimentation, and contaminants. Along with restoration efforts, many of the local residents have expressed interest in reducing any harvest of trout. Most of the observed angling activity in this stream is by children. Although little data is available determine the impact of current regulations on the trout population, to honor the concerns from the local citizens and maintain angling opportunities in an urban area, the Department recommends changing the regulations for Sausal Creek to a zero bag limit, with artificial lures and

#### barbless hooks only.

### Subsection (b)(72.5) of Section 7.50, Title 14, CCR, is added to read:

(72.5) Guadalupe River below	Last Saturday in April through	0 trout
Guadalupe Reservoir (Santa Clara	November 15. Only artificial lures	0 steelhead
Co.) including Los Gatos Ck.	and barbless hooks may be used.	0 salmon
Below Vasona Lake, and Alamitos		(See Article 4.
Ck. and Arroyo Calero below		Species
Calero Reservoir.		Regulations for
		bag limits for
		other fish).

# Informative Digest/Policy Statement Overview



Under the current general regulation for lakes and streams in Inyo County (subsection (b)(3) of Section 7.00, and numerous subsections of Section 7.50), the open fishing season is from the last Saturday in April through October 31. The Department is recommending that the Commission extend the open season specified in these regulations to include the first two weeks in November. The change will bring the Inyo County trout season into conformity with that of neighboring Mono County and for most other Sierra District streams, which currently have open fishing seasons from the last Saturday in April through November 15.

The Department's recommendation is based on a request made by the Inyo County Board of Supervisors (Board), that the open season for all Inyo County lakes be extended to include all of November. The Board's request was based on their desire to promote the county's tourism-oriented economy.

The Department believes that extending the fishing season from October 31 to November 15, in certain waters of Inyo County has the potential to both increase angling opportunity and benefit the local economy. with no detrimental effects on the fisheries.

# Subsection (b)(82), of Section 7.50, Title 14, CCR, is amended to read.

(82) Inyo County, Southwestern portion, in all waters bounded by the Inyo County line on the south and west, Independence Creek on the north, and Highway 395 on the east (also see Cottonwood Creek Restrictions).	First Sat. in Mar. through <del>Oct. 31.</del> Nov. 15.	5 per day 10 in possession	
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# **Informative Digest/Policy Statement Overview**



Current regulations close the Trinity River from the Old Lewiston Bridge to the Highway 299 West Bridge at Cedar Flat, and from Hawkins Bar Bridge (Road to Denny) downstream to the mouth of the Trinity to all fishing from April 1 through the Friday preceding the fourth Saturday in May. These closures were intended to reduce the incidental catch and mortality of hatchery-origin juvenile steelhead trout during the peak downstream migration of April and May. The Department is proposing a year-round open season for these sections of river because the current regulations are not necessary and the proposed changes will simplify the regulations. Trinity River Hatchery, for the last 10 years, has met or exceeded steelhead eggtaking requirements. After discussion with hatchery management, a proposed year-round open season should have no effect on the fish program there. Department biologists have determined that steelhead population levels are currently at a level that will allow angling during April and May, and any incidental harvest of juvenile steelhead would not significantly affect the steelhead population. Basin guotas for Chinook salmon will still be maintained in these sections of river, and all seasonal closures for adult Chinook salmon will be designed to maximize and distribute the harvest of adult fall-run Chinook salmon while managing the fishery within the impact quota.

Current regulations in the Trinity River from the Highway 299 West Bridge at Cedar Flat downstream to the Hawkins Bar Bridge (Road to Denny) allow analing during the fourth Saturday in May through August 31. and from December 1 through March 31. These regulations prohibit fishing during the peak migration period of juvenile hatchery-origin steelhead (April and May) and when peak spawning occurs for adult fallrun Chinook salmon (September through November) to reduce the incidental catch and mortality of juvenile steelhead trout and to protect fall-run Chinook salmon spawners. The Department is proposing to eliminate the closure during April and May in this section of river because the current regulations are not necessary and the proposed changes will simplify the regulations. Trinity River Hatchery, for the last 10 years, has met or exceeded steelhead egg-taking requirements. After discussion with hatchery management, a proposed year-round open season should have no effect on the fish program there. Department biologists have determined that steelhead populations levels are currently at a level that will allow angling during April and May, and any resulting incidental harvest of juvenile steelhead would not significantly affect the steelhead population. The protection of spawning fall Chinook salmon will still be maintained in this section of river. The Department is proposing that no salmon over 22 inches total length may be retained from the South Fork Trinity River downstream to the confluence with the Klamath from April 1 through the Friday preceding Memorial Day.

# Subsection (b)(91.1) of Section 7.50, Title 14, CCR, is amended to read:

- (91.1) Anadromous Waters of the Klamath River Below Iron Gate Dam (Lower Klamath River Basin). The regulations in this subsection apply only to waters of the Klamath River system which are accessible to anadromous salmonids. They do not apply to waters of the Klamath River which are inaccessible to anadromous salmon and trout, for example, portions of the Klamath River system upstream from Iron Gate Dam, portions of the Trinity River system above Lewiston Dam, and the Shasta River and tributaries above Dwinnel Dam. Fishing in these waters is governed by the General Regulations for non-anadromous waters of the North Coast District (see Section 7.00(a)(5)).
  - (A) Special Fishing Methods Restrictions:
  - 1. Only barbless hooks may be used.
  - 2. Maximum Length of Shank: Hooks with shanks longer than two inches are prohibited.
- 3. Maximum Gaps: No person shall use any single hook with a gap greater than 5/8 inch or any multiple hooks with a gap greater than  $\frac{1}{2}$  inch.
- 4. Weight Attachment Restrictions: All weight, unless part of a manufactured or conventional lure, must be attached above the hooks. It is unlawful to use any hook which is directly or indirectly attached closer than 18 inches to any weight exceeding ½ ounce unless the weight is part of a manufactured or conventional lure.
- 5. During closures to the take of adult salmon, anglers shall not remove any adult king salmon from the water by any means, such as by dragging the fish on shore or using a net.
  - (B) General Area Closures:
  - 1. No fishing is allowed within 750 feet of any Department of Fish and Game fish-counting weir.
- 2. No fishing is allowed from the Ishi Pishi Falls road bridge upstream to and including Ishi Pishi Falls from Aug. 15 through Nov. 1. Exception: members of the Karuk Indian Tribe listed on the current Karuk Tribal Roll may fish at Ishi Pishi Falls using hand-held dip nets.
- 3. No fishing is allowed from Sept. 15 through Nov. 15 in the Klamath River within 500 feet of the mouths of the Salmon, the Shasta and the Scott rivers.
- (C) Lower Klamath River Basin King Salmon Impact Quotas: NOTE: The Lower Klamath River Basin Chinook salmon take is regulated using quotas. Accounting of the tribal and non-tribal harvest each year is closely coordinated during the period from August 1 through November 30. The term "impact quota" is the recreational catch of adult fall-run king salmon, plus the estimated number of adult fall-run king salmon lost as a result of hook-and-release mortality.
- 1. Quota for Entire Basin: The 2003 Klamath River basin quota is 10,800 king salmon over 22 inches total length. Separate quotas have been established from the mouth of the Klamath River to the falls at Coon Creek and from the falls at CoonCreek upstream to Iron Gate Dam, including the Trinity River from its confluence with the Klamath upstream to the Old Lewiston Bridge. The restrictions triggered by quotas apply only during the period from August 1 through November 30. The department shall inform the commission, and the public via the news media, prior to any implementation of restrictions triggered by the quotas. (NOTE: A Department status report on progress toward the quotas for the various river sections is updated weekly, and available at 1-800-564-6479.)

- a. Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth): This area is closed to all fishing after 15% of the Klamath River basin impact quota has been taken below the Highway 101bridge. (Note: This provision only applies if the Department projects that the total Klamath River basin impact quota will be met.) In 2003, this number is 1,620.
- b. Klamath River Below Coon Creek Falls: No salmon over 22 inches total length may be retained after 50% of the basin impact quota has been taken below Coon Creek Falls.
  - c. Klamath River from Iron Gate Dam to falls at Coon Creek:
  - (i) No salmon over 22 inches total length may be retained from April 1 through July 31.
- (ii) No person shall retain any salmon over 22 inches total length after the Department determines that 17% of the Klamath River basin impact quota has been taken in the Klamath River from Iron Gate Dam to Coon Creek Falls. Exception: King salmon over 22 inches total length may be retained from 3,500 feet below Iron Gate Dam to the Interstate 5 bridge when the Department determines that the adult fall-run king salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish.
  - d. Trinity River from the Old Lewiston Bridge to the Highway 299 West Bridge at Cedar Flat:
  - (i) Closed to fishing April 1 through the Friday preceding the fourth Saturday in May.
- (ii) (ii) No salmon over 22 inches total length may be retained after 50% of the basin quota has been taken in the Klamath River basin above Coon Creek Falls. Exception: King salmon over 22 inches total length may be retained from the Old Lewiston Bridge to the mouth of Indian Creek when the Department determines that the adult fall-run king salmon spawning escapement at Trinity River Hatchery exceeds 4,800 fish.
- e. Trinity River main stem from the Highway 299 West bridge at Cedar Flat downstream to the Hawkins Bar Bridge (Road to Denny)
  - (i) Closed to all fishing from September 1 through November 30.
- (ii) No Salmon over 22 inches total length may be retained from the South Fork Trinity River downstream to the confluence with the Klamath River from April 1 through the Friday preceding Memorial Day.
  - e f. Trinity River from Hawkins Bar Bridge (Road to Denny) downstream to the mouth of the Trinity:
- (i) Closed to all fishing from April 1 through the Friday preceding the fourth Saturday in May.
- (ii) (i) No salmon over 22 inches total length may be retained after 50% of the basin quota has been taken in the Klamath River basin above Coon Creek Falls.
  - (D) Klamath River Basin General Seasons and Bag and Possession limits:
- In anadromous waters of the Klamath River basin, except for those with special bag limits provided in subsection (b)(91.1)(F) below, the daily trout/salmon bag limit is 3 king salmon, but no more than 1 king salmon over 22 inches total length, and 1 hatchery trout or 1brown trout or 1 hatchery steelhead\*\*. No more than 4 king salmon over 22 inches total length may be retained in any 7 consecutive days. No more than 12 king salmon may be possessed, of which no more than 4 may be over 22 inches total length. (Note: Salmon bag limits change in some areas when quotas are reached (see subsection (b)(91.1)(C) above).)
- (E) All anadromous waters of the Klamath River Basin are closed to all fishing all year, except those listed in subsection (b)(91.1)(F) below.
- (F) Special Seasons. Daily Bag Limits, and Special Fishing Methods Restrictions for Waters of the Lower Klamath River Basin Which Have Open Fishing Seasons. Waters listed below are closed to all fishing except during the open seasons listed. Bag limits are for trout and salmon in combination unless otherwise specified.

Bogus Creek and tributaries.	Fourth Saturday in May through Aug. 31. Only artificial lures with barbless hooks may be used.	0
2. Klamath River main stem from 3,500 feet below Iron Gate Dam to mouth.	All year.	Quota Area. See subsection (b)(91.1)(C) above.

3. Salmon River main stem, main stem of North Fork, below Sawyer's Bar Bridge and main stem of South Fork below the confluence of the East Fork of the South Fork.	Nov. 1 through Feb. 28.	0
Scott River main stem from mouth to Fort Jones-Greenview bridge.	Fourth Saturday in May through Feb. 28.	0
5. Shasta River main stem from Interstate 5 bridge north of Yreka to the mouth.	Fourth Saturday in May through Aug. 31 and Nov. 16 through Feb. 28.	0
6. Trinity River and tributaries.		
a. Trinity River main stem from 250 feet below Lewiston Dam to Old Lewiston bridge.	Last Saturday in Apr. through Sept. 15. Only artificial flies with barbless hooks may be used.	0
b. Trinity River main stem from Old Lewiston bridge to the Highway 299 West bridge at Cedar Flat.	Fourth Saturday in May through Mar. 31. All Year.	Quota Area. Also see subsection (b)(91.1)(C) above.
c. Canyon Creek above the falls located about four miles above the wilderness area boundary.	Last Saturday in Apr. through Nov. 15.	2
d. Trinity River main stem from the Highway 299 West bridge at Cedar Flat downstream to the Hawkins Bar Bridge (Road to Denny).	Fourth Saturday in May through Aug. 31 and Dec. 1 through Mar. 31. Dec. 1 through Aug. 31	See subsection (b)(91.1)(D) above.
e. Trinity River main stem from Hawkins Bar Bridge (Road to Denny) to the confluence with the Klamath River.	Fourth Saturday in May through Mar. 31. All Year.	Quota Area. Also see subsection (b)(91.1)(C) above.
f. Trinity River South Fork downstream from the mouth of Grouse Creek.	Fourth Saturday in May through Mar. 31.	1 hatchery trout or 1 hatchery steelhead** or 1 brown trout 0 king salmon
g. Trinity River South Fork from the mouth of Grouse Creek to the South Fork Trinity River bridge at Hyampom.	Nov. 1 through Mar. 31.	1 hatchery trout or 1 hatchery steelhead** or 1 brown trout 0 king salmon
h. Hayfork Creek main stem, from Highway 3 bridge in Hayfork downstream to the mouth.	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used.	0

Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

# Subsection (b)(99) of Section 7.50, Title 14, CCR, is amended to read:

(99) Limeklin Creek and tributaries	Nov. 16 Dec. 1 through Mar. 7,	0
above Highway 1 (Monterey Co.)	Feb 28, but only on Sat., Sun.,	
and the same of th	Wed., legal holidays and	
	opening and closing days. Only	
	barbless hooks may be used.	

# Subsection (b)(104) of Section 7.50, Title 14, CCR, is amended to read:

(104) Llagas Creek (Santa Clara Co.).		
(A) From mouth to Monterey Highway Bridge.	Nov. 16 Dec. 1 through Mar. 7, Feb 29, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only	0
	barbless hooks may be used.	
(B) From Monterey Highway Bridge to Chesbro Dam	Closed to fishing all year.	

# Informative Digest/Policy Statement Overview



Under the current general regulation for lakes and streams in Invo County (subsection (b)(3) of Section 7.00, and numerous subsections of Section 7.50), the open fishing season is from the last Saturday in April through October 31. The Department is recommending that the Commission extend the open season specified in these regulations to include the first two weeks in November. The change will bring the Inyo County trout season into conformity with that of neighboring Mono County and for most other Sierra District streams, which currently have open fishing seasons from the last Saturday in April through November 15.

The Department's recommendation is based on a request made by the Inyo County Board of Supervisors (Board), that the open season for all Inyo County lakes be extended to include all of November. The Board's request was based on their desire to promote the county's tourism-oriented economy.

The Department believes that extending the fishing season from October 31 to November 15, in certain waters of Inyo County has the potential to both increase angling opportunity and benefit the local economy, with no detrimental effects on the fisheries.

Subsection (b)(104.3), of Section 7.50, Title 14, CCR, is amended to read.

(104.3) Los Angeles Aqueduct from Owens River to Alabama Gates (Inyo	First Saturday in Mar. through Oct, 31. Nov. 15.	5 per day 10 in possession
County).	Nov. 4 <u>16</u> through the Friday preceding the first Saturday in Mar.	5

# Informative Digest/Policy Statement Overview



#### 1. Salmon season extension:

Current regulations on the San Joaquin River from the Highway 140 bridge downstream to the Highway 132 bridge, on the Merced River from Schaffer bridge on Montpelier Road downstream to the mouth, on the Tuolumne River from the Hickman bridge to the mouth, and on the Stanislaus River from the Highway 120 bridge in Oakdale to the mouth provide for a daily bag limit of one salmon from January 1 through October 15. The salmon limit is zero from October 16 through December 31. Because salmon populations have improved significantly during the past ten years, the Department is recommending a slight increase in the number of salmon allowed to be harvested in the San Joaquin, Merced, Tuolumne and Stanislaus rivers. This proposal recommends extending the period when one salmon per day may be taken for an additional two weeks from October 15 to October 31 in those river reaches identified above.

#### 2. Regulation clarification

Current regulations identify a section of the Middle Fork Stanislaus River from the U.S. Forest Service footbridge at Spring Gap at New Melones Reservoir including Sand Bar Forebay as having a daily bag limit of two trout instead of the general district regulation of five trout per day. The purpose of the reduced bag limit is to prevent excessive harvest of a self-sustaining trout population in this reach of the Middle Fork Stanislaus River. Sand Bar Forebay is about a 10 surface-acre body of water that is formed by a diversion canal off of the Middle Fork Stanislaus River. Since Sand Bar Forebay is not directly connected to the main stem Middle Fork Stanislaus River, anglers have been confused as to whether the general daily bag limit regulations apply or the reduced bag limit identified in the special fishing regulation subsection 187(C) are applicable to this body of water. As a result of this confusion, the local court (Sonora Court) dismisses all citations involving violations at the Sand Bar Forebay. The Department recommends omitting the reference to Sand Bar Forebay from subsection 7.50(187)(C). This recommendation would have no adverse effect on trout populations in the main stem Middle Fork Stanislaus River.

#### Subsection (b)(118) of Section 7.50, Title 14, CCR is amended to read:

(118) Merced River (Merced Co.)		
(A) From Crocker-Huffman Dam	Jan. 1 through Oct. <del>15</del> <u>31</u> .	0 trout
downstream to the Schaffer bridge on	Only artificial lures with barbless	0 salmon
Montpelier Road.	hooks may be used.	
(B) From the Schaffer bridge on	Jan. 1 through Oct. <del>15</del> <u>31</u> .	0 trout
Montpelier Road downstream to the	Bait may be used from Jan. 1 –	1 salmon
mouth.	Oct. <del>15</del> <u>31</u> . However, from April	
	1 through the Friday preceding	
	the fourth Saturday in May, bait	
	may be used only with single	
	hooks having a gap between the	
	point and shank between 1/2	
	and 1 inch, or with multiple	
	hooks having a gap between the	
	point and shank between 1/4	
	and 1/2 inch.	

Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

# Subsection (b)(128) of Section 7.50, Title 14, CCR, is amended to read:

(128) Nacimiento River (Monterey and San Luis Obispo Cos.) from Nacimiento Reservoir. to Hunter-Liggett Military Reservation.	<del>All year</del>	5
(A) From the headwaters in the Los Padres National Forest, downstream to the southern border of Fort Hunter- Liggett Military Reservation and the main stem below Nacimiento Dam, downstream to its confluence with the Salinas River.	<u>Last Saturday in Apr. through</u> <u>Nov. 15.</u>	<u>5</u>
(B) Nacimiento Lake, and the main stem Nacimiento River upstream to the southern boundary of Fort Hunter-Liggett.	All year.	<u>5</u>

# Informative Digest/Policy Statement Overview

The upper Owens River (the portion of the Owens River upstream from Crowley Lake) is primarily divided into two separate management areas, with differing sport fishing restrictions, as follows:

- (i) The 21-mile-long portion of the upper Owens River from highway 395 downstream to the Benton Bridge road crossing: This reach of the upper Owens River is a Commission-designated Catch-and-Release Water, and is known as the "catch-and-release area". Sport fishing regulations for this area allow fishing from the last Saturday in April through November 15 with a two-trout daily bag limit, and a maximum size limit of 16 inches total length. Special fishing methods restrictions for this area allow anglers to use only artificial lures with barbless hooks.
- (ii) The adjacent three miles of the upper Owens River, from Benton Road crossing downstream to the fishing monument, located approximately 1/4 mile upstream from Crowley Lake: This area is stocked regularly with catchable trout and managed as a put-and-take fishery. Sport fishing regulations for this area allow fishing from the Saturday preceding Memorial Day through September 30 with a five-trout daily bag limit, no size limit, and no special fishing methods restrictions.

The Owens River, for many years, has sustained one of the most popular and famous trout fisheries in the State. It is extremely important to the many and diverse recreational anglers who travel to Mono County to

fish the Owens River, the only river system in the Eastern Sierra, and as such, it is critically important to the well-being of the tourism-based Mono County economy. To address the diverse needs and preferences of the angling public who use this area, the Department has intensively studied and managed the fisheries of Owens River drainage. Regulations developed by the Department are intended to provide the greatest opportunity for the greatest number of diverse constituents using the river based on sound biological findings from those studies. The Department believes the current regulation on the upper Owens River from Benton Bridge road crossing downstream to the fishing monument is unjustified and too restrictive.

Because several members of the public have expressed concern that opening the season for the entire general trout season between Benton Bridge downstream to the fishing monument would cause excessive harvest and impact the number of trout available to spawn, the Department is proposing two regulation alternatives.

Alternative 1. In the area from Benton Bridge downstream to the fishing monument, the open fishing season would be from the last Saturday in April through the Friday preceding Memorial Day, and from October 1 through November 15 with a two to four fish daily bag limit. This section would also be open as indicated in current regulations from the last Saturday in April through September 30, with a five-fish daily bag limit.

Alternative No. 2. In the area from Benton Bridge downstream to the fishing monument, the open fishing season would be from the last Saturday in April through November 15 with a daily bag limit ranging from two to five trout.

Based on available information regarding the status of trout population and angler harvest rate potential, the Department's preferred alternative is Alternative No. 2, with a five-trout daily bag limit.

#### Alternative No. 1

## Subsections (b)(134)(B) of Section 7.50, Title 14, CCR, are amended to read:

(B) Upper Owens River from Benton Bridge road crossing downstream to upper	Saturday preceding Memorial Day through Sep.30.	5 per day 10 in possession
Owens River fishing monument.	Last Saturday in April through November 15.	
	Last Saturday in April through the Friday preceding Memorial Day.	[2 to 4] per day
	Saturday preceding Memorial Day through Sep.30.	5 per day 10 in possession
	Oct. 1 through Nov. 15	[2 to 4] per day

#### Alternative No. 2

#### Subsections (b)(134)(B) of Section 7.50, Title 14, CCR, are amended to read:

(B) Upper Owens River from Benton Bridge road crossing downstream to	Saturday preceding Memorial Day through Sep.30.	[ <u>2 to</u> 5] per day [ <u>4 to</u> 10] in
upper Owens River fishing monument.	<u>Last Saturday in April through</u> <u>November 15.</u>	possession

#### Informative Digest/Policy Statement Overview



Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16

inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

# Subsection (b)(135) of Section 7.50, Title 14, CCR, is amended to read:

(135) Pajaro River (Monterey, Santa	Nov. 16 Dec. 1 through Mar. 7,	0
Clara, Santa Cruz and San Benito Cos.)	Feb 28, but only on Sat., Sun.,	
from mouth to Uvas creek.	Wed., legal holidays and	
	opening and closing days. Only	
	barbless hooks may be used.	

# Updated Informative Digest/Policy Statement Overview \*



Current regulations in known steelhead waters of the South Central Sport Fishing District are directed at providing catch-and-release angling opportunities for adult steelhead during December through February. Trout fishing during the summer general trout season in steelhead streams is prohibited. Recent information has identified five additional streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated under steelhead angling regulations. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on ESA-listed juvenile steelhead, the Department is proposing a regulation change to prohibit summer trout fishing and allow no-harvest angling during the winter steelhead season from December 1 through March 7 in the following five streams: 1) Codornices Creek (Alameda Co.), 2) Coyote Creek downstream from Upper Penitencia Creek (Santa Clara Co.), 3) Upper Penitencia Creek (Santa Clara Co.), 4) Pinole Creek (Contra Costa Co.) and 5) Stevens Creek downstream of Stevens Reservoir(Santa Clara Co.). During this period fishing would be allowed only on Saturdays. Sundays, Wednesdays, legal holidays and opening and closing days. Only barbless hooks could be used. This proposed change will make regulations in the above streams consistent with other steelhead streams in the South Central Sport Fishing District.

Recent information has identified streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated to provide protection for juvenile steelhead. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on juvenile steelhead, which are federally listed as Threatened, the Department is proposing a regulation change that prohibits fishing in the following streams: 1) Codornices Creek (Alameda Co.), and 2), Pinole Creek (Contra Costa Co.), and 3) Upper Penitencia Creek. This proposal also includes a no-harvest restriction for trout, steelhead and salmon while allowing harvest of warm water fish in 1) Coyote Creek (Santa Clara County) below Anderson Reservoir, 2) Stevens Creek downstream of Stevens Reservoir (Santa Clara County), and 3) the Guadalupe River below Guadalupe Reservoir (Santa Clara County), including its tributaries of Los Gatos Ck. below Vasona Lake, and Alamitos Ck. and Arroyo Calero below Calero Reservoir. The purpose of allowing harvest of warm water species is to reduce the number of warm water predators that prey on juvenile trout and steelhead. Gear restrictions that prohibit the use of bait are proposed to prevent incidental hooking injuries to trout while fishing for other species.

In addition, current regulations on Sausal Creek, a small urban stream in Alameda County, allow for

fishing during the general trout season from the last Saturday in April through November 15, with a five-fish daily bag limit. Local residents have become interested in restoring Sausal Creek that has been degraded because of urbanization, unnatural flows, sedimentation, and contaminants. Along with restoration efforts, many of the local residents have expressed interest in reducing any harvest of trout. Most of the observed angling activity in this stream is by children. Although little data is available determine the impact of current regulations on the trout population, to honor the concerns from the local citizens and maintain angling opportunities in an urban area, the Department recommends changing the regulations for Sausal Creek to a zero bag limit, with artificial lures and barbless hooks only.

#### Subsection (b)(135.8) of Section 7.50, Title 14, CCR, is added to read:

Area or Body of Water	Open Season	Bag Limit
(135.8) Upper Penitencia Creek	Dec. 1 through Mar. 7, but only on	<u>0</u>
(Santa Clara Co.) a tributary to	Sat., Sun., Wed., legal holidays and	
Coyote Ck.	opening and closing days.	
	Closed to all fishing all year	

# Informative Digest/Policy Statement Overview

Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

#### Subsection (b)(136) of Section 7.50, Title 14, CCR, is amended to read:

(136) Pescadero Creek (San Mateo	Nov. 16 Dec. 1 through Mar. 7,	0
Co.) from mouth to the Stage Road	Feb 28, but only on Sat., Sun.,	
bridge at Pescadero.	Wed., legal holidays and	
	opening and closing days. Only	
	barbless hooks may be used.	

# Subsection (b)(137)of Section 7.50, Title 14, CCR, is amended to read:

(137) Pescadero Creek tributaries and	Closed to fishing all year.	
main stem above the Stage Road		
bridge at Pescadero (Santa Clara and		
San Mateo Cos.)		

Updated Informative Digest/Policy Statement Overview \*



Current regulations in known steelhead waters of the South Central Sport Fishing District are directed at providing catch- and-release angling opportunities for adult steelhead during December through February. Trout fishing during the summer general trout season in steelhead streams is prohibited. Recent information has identified five additional streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated under steelhead angling regulations. These streams are currently regulated under the general trout season which allows for the harvest of 5 trout per day. To prevent unnecessary mortality on ESA-listed juvenile steelhead, the Department is proposing a regulation change to prohibit summer trout fishing and allow no-harvest angling during the winter steelhead season from December 1 through March 7 in the following five streams: 1) Codornices Creek (Alameda Co.), 2) Coyote Creek downstream from Upper Penitencia Creek (Santa Clara Co.), 3) Upper Penitencia Creek (Santa Clara Co.), 4) Pinole Creek (Contra Costa Co.) and 5) Stevens Creek downstream of Stevens Reservoir(Santa Clara Co.). During this period fishing would be allowed only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Only barbless hooks could be used. This proposed change will make regulations in the above streams consistent with other steelhead streams in the South Central Sport Fishing District.

Recent information has identified streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated to provide protection for juvenile steelhead. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on juvenile steelhead, which are federally listed as Threatened, the Department is proposing a regulation change that prohibits fishing in the following streams: 1) Codornices Creek (Alameda Co.), and 2), Pinole Creek (Contra Costa Co.), and 3) Upper Penitencia Creek. This proposal also includes a no-harvest restriction for trout, steelhead and salmon while allowing harvest of warm water fish in 1) Coyote Creek (Santa Clara County) below Anderson Reservoir, 2) Stevens Creek downstream of Stevens Reservoir (Santa Clara County), including its tributaries of Los Gatos Ck. below Vasona Lake, and Alamitos Ck. and Arroyo Calero below Calero Reservoir. The purpose of allowing harvest of warm water species is to reduce the number of warm water predators that prey on juvenile trout and steelhead. Gear restrictions that prohibit the use of bait are proposed to prevent incidental hooking injuries to trout while fishing for other species.

In addition, current regulations on Sausal Creek, a small urban stream in Alameda County, allow for fishing during the general trout season from the last Saturday in April through November 15, with a five-fish daily bag limit. Local residents have become interested in restoring Sausal Creek that has been degraded because of urbanization, unnatural flows, sedimentation, and contaminants. Along with restoration efforts, many of the local residents have expressed interest in reducing any harvest of trout. Most of the observed angling activity in this stream is by children. Although little data is available determine the impact of current regulations on the trout population, to honor the concerns from the local citizens and maintain angling opportunities in an urban area, the Department recommends changing the regulations for Sausal Creek to a zero bag limit, with artificial lures and barbless hooks only.

### Subsection (b)(139.7) of Section 7.50, Title 14, CCR, is added to read:

Area or Body of Water	Open Season	Bag Limit
(139.7) Pinole Creek (Contra Costa	Dec. 1 through Mar. 7, but only on	<u>0</u>
Co.) and tributaries.	Sat., Sun., Wed., legal holidays and	
	opening and closing days. Only	
	barbless hooks may be used.	
	Closed to all fishing all year	

#### **Informative Digest/Policy Statement Overview**

Current regulations in the Sacramento River from Keswick Dam downstream to the Deschutes Road bridge in Redding allow the take of one wild trout and one hatchery trout from April 30 through August 30, and zero wild trout and one hatchery trout from August 31 through March 31. These regulations have proven to

be confusing and potentially unnecessarily restrictive, and may not provide suitable protection for steelhead.

This proposal recommends opening this section of the Sacramento River to fishing all year with a one trout, 16-inch maximum, daily bag limit. The zero bag limit for salmon and the required use of barbless hooks remains unchanged.

The proposed change will continue to provide the protection necessary for the wild trout and salmon populations by retaining the current zero bag limit on salmon and minimizing take on wild trout to insignificant levels. The 16-inch size restriction is intended to protect federally Threatened wild steelhead. Studies have shown that trout less than 16 inches in length have not been to the ocean. Juvenile wild steelhead typically smolt and leave the system before they reach 10 inches in length. It can be safely assumed that nearly all trout between 10 and 16 inches are resident fish. Anglers in this reach of the Sacramento River rarely take trout smaller than 10 inches. Therefore, essentially all potentially harvested fish will be wild trout (resident), with no impact to wild steelhead.

# Subsection (b)(156) of Section 7.50, Title 14, CCR, is amended to read:

(156) Sacramento River main stem and Sacramento River tributaries (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Siskiyou, Solano, Sutter, Tehama and Yolo Cos.).	Also see Special Salmon Fishing Restrictions Sierra District General Regulations (See Section 7.00(b)).	
(A) Sacramento River and tributaries from Box Canyon Dam downstream to the Scarlett Way bridge in Dunsmuir.	Last Saturday in Apr. through Nov. 15. Only artificial lures with barbless hooks may be used.	0
(B) Sacramento River and tributaries excluding Soda Creek from Scarlett Way bridge downstream to the county bridge at Sweetbriar (also, see subsection (b)(180.5) Soda Creek).	Last Saturday in Apr. through Nov. 15.	5 per day 10 in possession
(C) Sacramento River and tributaries from the county bridge at Sweetbriar downstream to Shasta Lake (also, see subsection (b)(39.3) Castle Creek).	Last Saturday in Apr. through Nov. 15. Only artificial lures with barbless hooks may be used.	2
(D) Sacramento River from Keswick Dam to 650 feet below Keswick Dam.	Closed to all fishing all year.	
(E) Sacramento River from 650 feet below Keswick Dam to the Deschutes Road bridge.	All year. Trout maximum size limit: 16 inches. Aug. 31 through Mar. 31. Only barbless hooks may be used. (also see Section 2.03).	1 hatchery 1 hatchery steelhead** 0 salmon
	Apr. 1 through Aug. 30. Only barbless hooks may be used (also see Section 2.03).	1 hatchery trout or 1 hatchery steelhead** and 1 wild trout** 0 salmon
(F) Sacramento River from the Deschutes Road Bridge to 500 feet upstream from Red Bluff Diversion Dam.	Jan. 15 through Mar. 31.	1 hatchery trout or 1 hatchery steelhead** 0 salmon
	Apr. 1 through Jul. 31.	1 hatchery trout or 1 hatchery steelhead** and wild trout ** 0 salmon
	Aug. 1 through Aug. 30.	1 hatchery trout or

		1 hatchery steelhead** and 1 wild trout ** 2 salmon
	Aug. 31 through Jan. 14.	1 hatchery trout or 1 hatchery steelhead** 2 salmon
(G) Sacramento River from 500 feet upstream from Red Bluff Diversion Dam to 150 feet below the Lower Red Bluff (Sycamore) Boat Ramp.	Closed to all fishing all year.	
(H) Sacramento River from 150 feet below the Lower Red Bluff (Sycamore) Boat Ramp to the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs).	July 16 through Dec. 31.	1 hatchery trout or 1 hatchery steelhead** 2 salmon
	Jan. 1 through July 15.	1 hatchery trout or 1 hatchery steelhead** 0 salmon

<sup>\*\*</sup>Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.

# Informative Digest/Policy Statement Overview



Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

#### Subsection (b)(158)(a) and (b) of Section 7.50, Title 14, CCR, is amended to read:

(158) Salinas River and tributaries (Monte	erey and San Luis Obispo Cos.).	
(A) The main stem Salinas River. from	Nov. 16 Dec. 1 through Mar. 7,	0
mouth to Arroyo Seco River confluence.	<del>Feb 28,</del> but only on Sat., Sun.,	
	Wed., legal holidays and	
	opening and closing days. Only	
	barbless hooks may be used.	
(B) All Salinas River and tributaries	Last Saturday in Apr. through	5 trout
upstream of Arroyo Seco River	Nov. 15.	
confluence (includes including the		
Nacimiento and San Antonio River		

drainages). but excluding the	
Nacimiento River, which is covered in	
subsection (128) above).	

#### **Updated Informative Digest/Policy Statement Overview**

Steelhead trout populations within the Southern California Steelhead Evolutionarily Significant Unit (ESU), from the Santa Maria River (inclusive) to Malibu Creek, were listed by the federal government as endangered in October 1997. On May 2, 2002, the National Marine Fisheries Service (NMFS) extended the range of the Southern California Steelhead ESU from Malibu Creek to the Mexican border.

Current general regulations for trout in the Southern Fishing District allow fishing all year with a five-fish bag limit in all streams of Orange,

San Bernardino, Riverside, and portions of Los Angeles counties, except for waters listed in Special Fishing Regulations. Regulations for streams in

San Diego County allow fishing all year with artificial lures and barbless hooks only, and a two-fish bag limit, except for waters listed in Special Fishing Regulations.

In recognition of the new range extension and to comply with federal Endangered Species Act, NMFS and the Department are recommending that anadromous portions of all streams in the newly extended range be closed to all fishing. Specific streams listed in the Special Fishing Regulations that this proposal will affect include: San Juan Creek (Orange County), San Mateo Creek (San Diego and Riverside counties), Santa Margarita River (San Diego and Riverside counties), San Luis Rey River (San Diego County), Sweetwater River (San Diego County), and Topanga Creek (Los Angeles County). In addition the District General Regulations will include closures to anadromous portions of streams not named in the Special Fishing Regulation section. For angler clarification, the Department is proposing to describe the anadromous sections of Arroyo Trabucco Creek and Santa Ynez River, and add these streams to the list of waters with special regulations.

Since this proposal was first noticed, Department biologists have received information that closures on the San Gabriel River and San Diego Creek would eliminate popular non-salmonid fisheries near the mouths of these streams (carp and marine species). To preserve fishing opportunities during the period when steelhead are unlikely to be present at stream mouths, the Department is proposing to allow fishing near the mouths of San Gabriel River and San Diego Creek during the Saturday before Memorial Day through November 30. To further reduce the vulnerability of steelhead to hooking injury, the Department is recommending that only artificial lures and barbless hooks may be used.

The Department is also recommending removal the Santa Clara River from the reference of streams open for trout fishing all year that appears in the General District Regulations, Section 7.00. The stream is a steelhead migratory route and warrants closing to protect endangered steelhead.

The Department is also recommending closing that portion of the Santa Ynez River upstream of Gibraltar Dam to provide refugia for a unique population of native rainbow trout. It is believed these fish are remnant native steelhead that became landlocked after the construction of Gibraltar Dam in 1920. Preservation of this gene pool may be an important element in the future recovery Santa Ynez River steelhead.

Subsection (b)(165.2) of Section 7.50, Title 14, CCR, is added to read:

(165.2) San Diego Creek (Orange Co.).	Saturday preceding Memorial	0 trout or
<u>Downstream of the MacArthur Blvd.</u> bridge only.	Day through Nov. 30. Only artificial lures with barbless	<u>steelhead</u>
<u>bridge orny.</u>	hooks may be used.	

Subsection (b)(167) of Section 7.50, Title 14, CCR, is added to read:

(167.2) San Gabriel River (Los Angeles	Saturday preceding Memorial	0 trout or
and Orange Cos.) Upstream of the	Day through Nov. 30. Only	<u>steelhead</u>
Highway 22 bridge to the start of	artificial lures with barbless	
concrete-lined portion of the river	hooks may be used.	
channel.		
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# **Informative Digest/Policy Statement Overview**



Current regulations for the Salinas River and tributaries upstream of the Arroyo Seco River confluence (including San Antonio drainages) allow for a five-trout daily bag limit from the last Saturday in April through November 15. Due to the presence of federally threatened steelhead in the upstream (southern) reaches of the Salinas River, the Department and NOAA Fisheries is recommending eliminating the harvest of trout and changing the regulations to catch-and-release only, zero harvest. Although access to the ocean for anadromous fish is prevented by stream-flow management in some years, the trout present in the upper reaches are considered to be genetically linked to steelhead stocks.

Also present in the upper Salinas River drainage are warm-water fisheries that do not target trout and are considered the predominate fisheries in these reaches during the summer-fall period. Because of the popular warm-water fishery, the Department is recommending a gear restriction of barbless hooks only that will reduce hooking mortality for trout while allowing anglers to fish for warm water species.

Anadromous portions of the Salinas River drainage that this proposal will affect are defined as:

- Mainstem Salinas River above the Arroyo Secor River to State Highway 58.
- Santa Antonio River below San Antonio Reservoir and Dam. b.
- Paso Robles Creek and all its tributaries.
- Graves Creek and its branches/tributaries.
- Atascadero Creek. e.
- Santa Margarita Creek and its tributaries.

#### Subsection (b)(168) of Section 7.50, Title 14, CCR, is amended to read:

(168) San Gregorio Creek (San Mateo	Nov. 16 Dec. 1 through Mar. 7,	0
Co.) from the mouth to county the Stage	Feb 28, but only on Sat., Sun.,	
Road bridge at San Gregorio.	Wed., legal holidays and	
	opening and closing days. Only	
	barbless hooks may be used.	

## Informative Digest/Policy Statement Overview



#### 1. Salmon season extension:

Current regulations on the San Joaquin River from the Highway 140 bridge downstream to the Highway 132 bridge, on the Merced River from Schaffer bridge on Montpelier Road downstream to the mouth, on the Tuolumne River from the Hickman bridge to the mouth, and on the Stanislaus River from the Highway 120 bridge in Oakdale to the mouth provide for a daily bag limit of one salmon from January 1 through October 15. The salmon limit is zero from October 16 through December 31. Because salmon populations have improved significantly during the past ten years, the Department is recommending a slight increase in the number of salmon allowed to be harvested in the San Joaquin, Merced, Tuolumne and Stanislaus rivers. This proposal recommends extending the period when one salmon per day may be taken for an additional two weeks from October 15 to October 31 in those river reaches identified above.

#### 2. Regulation clarification

Current regulations identify a section of the Middle Fork Stanislaus River from the U.S. Forest Service

footbridge at Spring Gap at New Melones Reservoir including Sand Bar Forebay as having a daily bag limit of two trout instead of the general district regulation of five trout per day. The purpose of the reduced bag limit is to prevent excessive harvest of a self-sustaining trout population in this reach of the Middle Fork Stanislaus River. Sand Bar Forebay is about a10 surface-acre body of water that is formed by a diversion canal off of the Middle Fork Stanislaus River. Since Sand Bar Forebay is not directly connected to the main stem Middle Fork Stanislaus River, anglers have been confused as to whether the general daily bag limit regulations apply or the reduced bag limit identified in the special fishing regulation subsection 187(C) are applicable to this body of water. As a result of this confusion, the local court (Sonora Court) dismisses all citations involving violations at the Sand Bar Forebay. The Department recommends omitting the reference to Sand Bar Forebay from subsection 7.50(187)(C). This recommendation would have no adverse effect on trout populations in the main stem Middle Fork Stanislaus River.

#### Subsection (b)(168.5) of Section 7.50, Title 14, CCR is amended to read:

(168.5) San Joaquin River		
(A) From Friant Dam downstream to the	All year	5 trout
Highway 140 bridge.		1 salmon
(B) From the Highway 140 bridge	Jan. 1 through Oct. <del>15</del> <u>31</u> .	0 trout
downstream to the Highway 132 bridge.		1 salmon
	Oct. 16 Nov. 1 through Dec. 31.	0 trout
		0 salmon
(C) From the Highway 132 bridge	All year. Jan. 1 through October	0 trout
downstream to the Interstate 5 bridge at	<u>31.</u>	<del>0</del> <u>1</u> salmon
Mossdale.	Nov. 1 through Dec. 31.	0 trout
		0 salmon

# Updated Informative Digest/Policy Statement Overview



Steelhead trout populations within the Southern California Steelhead Evolutionarily Significant Unit (ESU), from the Santa Maria River (inclusive) to Malibu Creek, were listed by the federal government as endangered in October 1997. On May 2, 2002, the National Marine Fisheries Service (NMFS) extended the range of the Southern California Steelhead ESU from Malibu Creek to the Mexican border.

Current general regulations for trout in the Southern Fishing District allow fishing all year with a five-fish bag limit in all streams of Orange, San Bernardino, Riverside, and portions of Los Angeles counties, except for waters listed in Special Fishing Regulations. Regulations for streams in San Diego County allow fishing all year with artificial lures and barbless hooks only, and a two-fish bag limit, except for waters listed in Special Fishing Regulations.

In recognition of the new range extension and to comply with federal Endangered Species Act, NMFS and the Department are recommending that anadromous portions of all streams in the newly extended range be closed to all fishing. Specific streams listed in the Special Fishing Regulations that this proposal will affect include: San Juan Creek (Orange County), San Mateo Creek (San Diego and Riverside counties), Santa Margarita River (San Diego and Riverside counties), San Luis Rey River (San Diego County), Sweetwater River (San Diego County), and Topanga Creek (Los Angeles County). In addition the District General Regulations will include closures to anadromous portions of streams not named in the Special Fishing Regulation section. For angler clarification, the Department is proposing to describe the anadromous sections of Arroyo Trabucco Creek and Santa Ynez River, and add these streams to the list of waters with special regulations.

Since this proposal was first noticed, Department biologists have received information that closures on the San Gabriel River and San Diego Creek would eliminate popular non-salmonid fisheries near the mouths of these streams (carp and marine species). To preserve fishing opportunities during the period when steelhead are unlikely to be present at stream mouths, the Department is proposing to allow fishing near the mouths of San Gabriel River and San Diego Creek during the Saturday before Memorial Day through November 30. To further reduce the

vulnerability of steelhead to hooking injury, the Department is recommending that only artificial lures and barbless hooks may be used.

The Department is also recommending removal the Santa Clara River from the reference of streams open for trout fishing all year that appears in the General District Regulations, Section 7.00. The stream is a steelhead migratory route and warrants closing to protect endangered steelhead.

The Department is also recommending closing that portion of the Santa Ynez River upstream of Gibraltar Dam to provide refugia for a unique population of native rainbow trout. It is believed these fish are remnant native steelhead that became landlocked after the construction of Gibraltar Dam in 1920. Preservation of this gene pool may be an important element in the future recovery Santa Ynez River steelhead.

Subsection (b)(168.6) of Section 7.50, Title 14, CCR, is amended to read:

(168.6) San Juan Creek main stem	Saturday preceding Memorial	θ
(Orange Co.).	Day through Dec. 31. Only	
, ,	artificial lures with barbless	
	hooks may be used. Closed to	
	all fishing all year.	

# Informative Digest/Policy Statement Overview



Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

#### Subsection (b)(169) of Section 7.50, Title 14, CCR, is amended to read:

(169) San Lorenzo River (Santa Cruz Co.)	Nov. 16 Dec. 1 through Mar. 7,	0
from the mouth to the Lomond Street	Feb 29, but only on Sat., Sun.,	
bridge in the town of Boulder Creek.	Wed., legal holidays and opening	
	and closing days. Only barbless	
	hooks may be used.	

#### Subsection (b)(170) of Section 7.50, Title 14, CCR, is amended to read:

(170) San Luis Obispo Creek (San Luis	Nov. 16 Dec. 1 through Mar. 7,	0
Obispo Co.) from mouth to the first and	Feb 28, but only on Sat., Sun.,	
most southwestern highway 1/101 bridge	Wed., legal holidays and opening	
(the first bridge upstream from the	and closing days. Only barbless	
lagoon).	hooks may be used.	

# Updated Informative Digest/Policy Statement Overview



Steelhead trout populations within the Southern California Steelhead Evolutionarily Significant Unit (ESU), from the Santa Maria River (inclusive) to Malibu Creek, were listed by the federal government as endangered in October 1997. On May 2, 2002, the National Marine Fisheries Service (NMFS) extended the range of the Southern California Steelhead ESU from Malibu Creek to the Mexican border.

Current general regulations for trout in the Southern Fishing District allow fishing all year with a five-fish bag limit in all streams of Orange, San Bernardino, Riverside, and portions of Los Angeles counties, except for waters listed in Special Fishing Regulations. Regulations for streams in San Diego County allow fishing all year with artificial lures and barbless hooks only, and a two-fish bag limit, except for waters listed in Special Fishing Regulations.

In recognition of the new range extension and to comply with federal Endangered Species Act, NMFS and the Department are recommending that anadromous portions of all streams in the newly extended range be closed to all fishing. Specific streams listed in the Special Fishing Regulations that this proposal will affect include: San Juan Creek (Orange County), San Mateo Creek (San Diego and Riverside counties), Santa Margarita River (San Diego and Riverside counties), San Luis Rev River (San Diego County), Sweetwater River (San Diego County), and Topanga Creek (Los Angeles County). In addition the District General Regulations will include closures to anadromous portions of streams not named in the Special Fishing Regulation section. For angler clarification, the Department is proposing to describe the anadromous sections of Arroyo Trabucco Creek and Santa Ynez River, and add these streams to the list of waters with special regulations.

Since this proposal was first noticed, Department biologists have received information that closures on the San Gabriel River and San Diego Creek would eliminate popular non-salmonid fisheries near the mouths of these streams (carp and marine species). To preserve fishing opportunities during the period when steelhead are unlikely to be present at stream mouths, the Department is proposing to allow fishing near the mouths of San Gabriel River and San Diego Creek during the Saturday before Memorial Day through November 30. To further reduce the vulnerability of steelhead to hooking injury, the Department is recommending that only artificial lures and barbless hooks may be used.

The Department is also recommending removal the Santa Clara River from the reference of streams open for trout fishing all year that appears in the General District Regulations, Section 7.00. The stream is a steelhead migratory route and warrants closing to protect endangered steelhead.

The Department is also recommending closing that portion of the Santa Ynez River upstream of Gibraltar Dam to provide refugia for a unique population of native rainbow trout. It is believed these fish are remnant native steelhead that became landlocked after the construction of Gibraltar Dam in 1920. Preservation of this gene pool may be an important element in the future recovery Santa Ynez River steelhead.

## Subsection (b)(170.1) of Section 7.50, Title 14, CCR, is amended to read:

(170.1) San Luis Rey River (San Diego Co.).	All year. Closed to all fishing all year.	5
Subsection (b)(170.5) of Section 7.50, Title	e 14, CCR, is amended to read:	

(170.5) San Mateo Creek and	Saturday preceding Memorial	0
tributaries downstream from the falls	Day through Dec. 31. Only	
between the Tenaja Road crossing and	artificial lures with barbless	
Fisherman's Camp (San Diego and	hooks may be used. Closed to	
Riverside Co's.).	all fishing all year.	

# Informative Digest/Policy Statement Overview



#### 1. Salmon season extension:

Current regulations on the San Joaquin River from the Highway 140 bridge downstream to the Highway 132 bridge, on the Merced River from Schaffer bridge on Montpelier Road downstream to the mouth, on the Tuolumne River from the Hickman bridge to the mouth, and on the Stanislaus River from the Highway 120 bridge in Oakdale to the mouth provide for a daily bag limit of one salmon from January 1 through October 15. The salmon limit is zero from October 16 through December 31. Because salmon populations have improved significantly during the past ten years, the Department is recommending a slight increase in the number of salmon allowed to be harvested in the San Joaquin, Merced, Tuolumne and Stanislaus rivers. This proposal recommends extending the period when one salmon per day may be taken for an additional two weeks from October 15 to October 31 in those river reaches identified above.

#### 2. Regulation clarification

Current regulations identify a section of the Middle Fork Stanislaus River from the U.S. Forest Service footbridge at Spring Gap at New Melones Reservoir including Sand Bar Forebay as having a daily bag limit of two trout instead of the general district regulation of five trout per day. The purpose of the reduced bag limit is to prevent excessive harvest of a self-sustaining trout population in this reach of the Middle Fork Stanislaus River. Sand Bar Forebay is about a10 surface-acre body of water that is formed by a diversion canal off of the Middle Fork Stanislaus River. Since Sand Bar Forebay is not directly connected to the main stem Middle Fork Stanislaus River, anglers have been confused as to whether the general daily bag limit regulations apply or the reduced bag limit identified in the special fishing regulation subsection 187(C) are applicable to this body of water. As a result of this confusion, the local court (Sonora Court) dismisses all citations involving violations at the Sand Bar Forebay. The Department recommends omitting the reference to Sand Bar Forebay from subsection 7.50(187)(C). This recommendation would have no adverse effect on trout populations in the main stem Middle Fork Stanislaus River.

### Subsection (b)(171) of Section 7.50, Title 14, CCR, is amended to read:

(171) San Simeon Creek (San Luis	Nov. 16 Dec. 1 through Mar. 7,	0
Obispo Co.) from mouth to the pedestrian	Feb 28, but only on Sat., Sun.,	
bridge in San Simeon Beach State Park.	Wed., legal holidays and opening	
	and closing days. Only barbless	
	hooks may be used.	

# Updated Informative Digest/Policy Statement Overview



Steelhead trout populations within the Southern California Steelhead Evolutionarily Significant Unit (ESU). from the Santa Maria River (inclusive) to Malibu Creek, were listed by the federal government as endangered in October 1997. On May 2, 2002, the National Marine Fisheries Service (NMFS) extended the range of the Southern California Steelhead ESU from Malibu Creek to the Mexican border.

Current general regulations for trout in the Southern Fishing District allow fishing all year with a five-fish bag limit in all streams of Orange, San Bernardino, Riverside, and portions of Los Angeles counties, except for waters listed in Special Fishing Regulations. Regulations for streams in San Diego County allow fishing all year with artificial lures and barbless hooks only, and a two-fish bag limit, except for waters listed in Special Fishing Regulations.

In recognition of the new range extension and to comply with federal Endangered Species Act, NMFS and the Department are recommending that anadromous portions of all streams in the newly extended range be closed to all fishing. Specific streams listed in the Special Fishing Regulations that this proposal will affect include: San Juan Creek (Orange County), San Mateo Creek (San Diego and Riverside counties), Santa Margarita River (San Diego and Riverside counties), San Luis Rey River (San Diego County), Sweetwater River (San Diego County), and Topanga Creek (Los Angeles County). In addition the District General Regulations will include closures to anadromous portions of streams not named in the Special

Fishing Regulation section. For angler clarification, the Department is proposing to describe the anadromous sections of Arroyo Trabucco Creek and Santa Ynez River, and add these streams to the list of waters with special regulations.

Since this proposal was first noticed, Department biologists have received information that closures on the San Gabriel River and San Diego Creek would eliminate popular non-salmonid fisheries near the mouths of these streams (carp and marine species). To preserve fishing opportunities during the period when steelhead are unlikely to be present at stream mouths, the Department is proposing to allow fishing near the mouths of San Gabriel River and San Diego Creek during the Saturday before Memorial Day through November 30. To further reduce the vulnerability of steelhead to hooking injury, the Department is recommending that only artificial lures and barbless hooks may be used.

The Department is also recommending removal the Santa Clara River from the reference of streams open for trout fishing all year that appears in the General District Regulations, Section 7.00. The stream is a steelhead migratory route and warrants closing to protect endangered steelhead.

The Department is also recommending closing that portion of the Santa Ynez River upstream of Gibraltar Dam to provide refugia for a unique population of native rainbow trout. It is believed these fish are remnant native steelhead that became landlocked after the construction of Gibraltar Dam in 1920. Preservation of this gene pool may be an important element in the future recovery Santa Ynez River steelhead.

Subsection (b)(171.6) of Section 7.50, Title 14, CCR, is amended to read:

(171.6) Santa Margarita River and	Saturday preceding Memorial	0
tributaries downstream from the	Day through Dec. 31. Only	
Interstate 15 bridge (San Diego and	artificial lures with barbless	
Riverside Co's.).	hooks may be used Closed to all	
,	fishing all year.	

#### Subsection (b)(172.3) of Section 7.50, Title 14, CCR, is added to read:

(172.3) Santa Ynez River and	Closed to all fishing all year.	
tributaries downstream from Bradbury		
Dam (Santa Barbara Co.).		

# Updated Informative Digest/Policy Statement Overview \*



Current regulations in known steelhead waters of the South Central Sport Fishing District are directed at providing catch-and-release angling opportunities for adult steelhead during December through February. Trout fishing during the summer general trout season in steelhead streams is prohibited. Recent information has identified five additional streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated under steelhead angling regulations. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on ESA-listed juvenile steelhead, the Department is proposing a regulation change to prohibit summer trout fishing and allow no-harvest angling during the winter steelhead season from December 1 through March 7 in the following five streams: 1) Codornices Creek (Alameda Co.), 2) Coyote Creek downstream from Upper Penitencia Creek (Santa Clara Co.), 3) Upper Penitencia Creek (Santa Clara Co.), 4) Pinole Creek (Contra Costa Co.) and 5) Stevens Creek downstream of Stevens Reservoir(Santa Clara Co.). During this period fishing would be allowed only on Saturdays. Sundays. Wednesdays, legal holidays and opening and closing days. Only barbless hooks could be used. This proposed change will make regulations in the above streams consistent with other steelhead streams in the South Central Sport Fishing District.

Recent information has identified streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated to provide protection for juvenile steelhead.

These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on juvenile steelhead, which are federally listed as Threatened, the Department is proposing a regulation change that prohibits fishing in the following streams: 1) Codornices Creek (Alameda Co.), and 2), Pinole Creek (Contra Costa Co.), and 3) Upper Penitencia Creek. This proposal also includes a no-harvest restriction for trout, steelhead and salmon while allowing harvest of warm water fish in 1) Coyote Creek (Santa Clara County) below Anderson Reservoir, 2) Stevens Creek downstream of Stevens Reservoir (Santa Clara County), and 3) the Guadalupe River below Guadalupe Reservoir (Santa Clara County), including its tributaries of Los Gatos Ck. below Vasona Lake, and Alamitos Ck. and Arroyo Calero below Calero Reservoir. The purpose of allowing harvest of warm water species is to reduce the number of warm water predators that prey on juvenile trout and steelhead. Gear restrictions that prohibit the use of bait are proposed to prevent incidental hooking injuries to trout while fishing for other species.

In addition, current regulations on Sausal Creek, a small urban stream in Alameda County, allow for fishing during the general trout season from the last Saturday in April through November 15, with a five-fish daily bag limit. Local residents have become interested in restoring Sausal Creek that has been degraded because of urbanization, unnatural flows, sedimentation, and contaminants. Along with restoration efforts, many of the local residents have expressed interest in reducing any harvest of trout. Most of the observed angling activity in this stream is by children. Although little data is available determine the impact of current regulations on the trout population, to honor the concerns from the local citizens and maintain angling opportunities in an urban area, the Department recommends changing the regulations for Sausal Creek to a zero bag limit, with artificial lures and barbless hooks only.

Subsection (b)(172.7) of Section 7.50, Title 14, CCR, is added to read:

Area or Body of Water	Open Season	Bag Limit
(172.7) Sausal Creek (Alameda Co.).	Last Saturday in April through Nov.	<u>0</u>
and tributaries	15. Only artificial lures with barbless	
	hooks may be used.	

# Informative Digest/Policy Statement Overview

## 1. Salmon season extension:

Current regulations on the San Joaquin River from the Highway 140 bridge downstream to the Highway 132 bridge, on the Merced River from Schaffer bridge on Montpelier Road downstream to the mouth, on the Tuolumne River from the Hickman bridge to the mouth, and on the Stanislaus River from the Highway 120 bridge in Oakdale to the mouth provide for a daily bag limit of one salmon from January 1 through October 15. The salmon limit is zero from October 16 through December 31. Because salmon populations have improved significantly during the past ten years, the Department is recommending a slight increase in the number of salmon allowed to be harvested in the San Joaquin, Merced, Tuolumne and Stanislaus rivers. This proposal recommends extending the period when one salmon per day may be taken for an additional two weeks from October 15 to October 31 in those river reaches identified above.

#### 2. Regulation clarification

Current regulations identify a section of the Middle Fork Stanislaus River from the U.S. Forest Service footbridge at Spring Gap at New Melones Reservoir including Sand Bar Forebay as having a daily bag limit of two trout instead of the general district regulation of five trout per day. The purpose of the reduced bag limit is to prevent excessive harvest of a self-sustaining trout population in this reach of the Middle Fork Stanislaus River. Sand Bar Forebay is about a10 surface-acre body of water that is formed by a diversion canal off of the Middle Fork Stanislaus River. Since Sand Bar Forebay is not directly connected to the main stem Middle Fork Stanislaus River, anglers have been confused as to whether the general daily bag limit regulations apply or the reduced bag limit identified in the special fishing regulation subsection 187(C) are applicable to this body of water. As a result of this confusion, the local court (Sonora Court) dismisses all citations involving violations at the Sand Bar Forebay. The Department recommends omitting the

reference to Sand Bar Forebay from subsection 7.50(187)(C). This recommendation would have no adverse effect on trout populations in the main stem Middle Fork Stanislaus River.

#### Subsection (b)(173) of Section 7.50, Title 14, CCR, is amended to read:

(173) Scott Creek (Santa Cruz Co.) from mouth to confluence with Big Creek.	Nov. 16 Dec. 1 through Mar. 7, Feb 28, but only on Sat., Sun., Wed., legal holidays and opening	0
	and closing days. Only barbless	
	hooks may be used.	

#### Subsection 7.50(b)(178), Title 14, CCR.

INOTE: At the Commission's early August meeting the Department submitted Initial Statements of Reasons for an angling regulation change on Silver King Creek (Alpine County). The change was associated with a restoration project for Paiute cutthroat trout, a federally listed threatened species. The restoration project has been suspended until further notice, and the regulation change is currently not necessary. We withdraw the Silver King Creek proposal (Subsection (b)(178) of Section 7.50, Title 14, CCR) from consideration by the Commission for the 2003 sport fishing regulation-change cycle.]

# **Informative Digest/Policy Statement Overview**



Steelhead trout populations within the Southern California Steelhead Evolutionarily Significant Unit (ESU), from the Santa Maria River (inclusive) to Malibu Creek, were listed by the federal government as endangered in October 1997. On May 2, 2002, the National Marine Fisheries Service (NMFS) extended the range of the Southern California Steelhead ESU from Malibu Creek to the Mexican border.

Current regulations for Sisquoc Creek and tributaries allow fishing all year with a five-fish daily bag limit. Because Sisquoc Creek is within the Southern California Steelhead ESU and contains potential habitat for endangered steelhead, the Department has discontinued stocking catchable trout in this watershed. Although stocking has ceased, the Department would like to maintain no-harvest fishing opportunities while supporting restoration efforts to aid the recovery of endangered Southern California steelhead. To help satisfy these goals, the Department and NOAA Fisheries are recommending changing angling regulations to a zero bag limit with gear restrictions of artificial lures and barbless hooks only, open season all year.

#### Subsection (b)(178.5) of Section 7.50, Title 14, CCR, is amended to read:

(178.5) Sisquoc Creek and tributaries	All year	<del>5</del> - <u>0</u>
(Santa Barbara Co.).	Only artificial lures with barbless	
	hooks may be used.	

# Informative Digest/Policy Statement Overview



The current angling regulations for the Smith River have caused some confusion to anglers because of how the stream reaches are organized in the regulatory language. The current regulation divides the Smith River basin into upper and lower drainage sections rather than the customary sub-basin or tributary method. All other streams in the special fishing regulation section (7.50) list angling regulations in stream reaches oriented from downstream to upstream. The proposed regulation reorganizes the order presentation of the various stream sections from downstream to upstream without changing any seasons or bag limits. This change will make the regulatory language more consistent, therefore, easier to understand by the angling public.

#### Subsection 7.50(b)(180), Title 14, CCR is amended to read:

(180) Smith River Drainage		
Also see Section 8.00(b) (a).	Closed to fishing all year.	
(A) From the George Tryon bridge		
upstream to its confluence with Craig		

		1
Creek. Note: for tributaries not listed in (B) and (C) below, see subsection (a)(4) of Section 7.00, (General Regulations for the North Coast District).		
(B) Upper Drainage: Main stems of the Middle Fork above the mouth of Patrick's Creek, the entire Siskiyou Fork, the South Fork above the mouth of Jones Creek, and the North Fork above the mouth of Stony Creek.	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used. Cutthroat trout minimum size limit: 10 inches.	2 cutthroat trout. No other salmonids shall be taken.
(C) Lower Drainage: Main stems of the Middle Fork below the mouth Patrick's Creek, the South Fork below the mouth of Jones Creek, the North Fork below the mouth of Stony Creek.	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31. No more than 5 wild trout or steelhead** over 16 inches total length may be kept per year. Cutthroat trout minimum size limit: 10 inches.	1 wild trout or steelhead over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead** 1 king salmon, 2 cutthroat trout
(180) Smith River Drainage Also see Section 8.00(a). Note: for tributaries not listed in (A) throug (General Regulations for the North Coast		Section 7.00,
(A) Main stem from the mouth to confluence of Middle and South forks.	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.	1 wild trout or steelhead over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead** 1 king salmon, 2 cutthroat trout minimum size limit: 10 inches total length and 1 king salmon. No more than 5 wild trout or steelhead** over 16 inches total length may be kept per year.
(B) Middle Fork Smith River		
1. from mouth to Patrick Creek	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.	1 wild trout or steelhead over 16 inches total length, or 1 hatchery or 1 hatchery steelhead** 1 king salmon, 2 cutthroat trout minimum size limit: 10 inches total length and 1 king salmon. No more than 5 wild trout or steelhead** over

above the mouth of Patrick Creek	Fourth Saturday in May through	16 inches total length may be kept per year.  2 cutthroat trout
	Oct. 31. Only artificial lures with barbless hooks may be used.	minimum size limit: 10 inches total length. No other salmonids may be taken.
(C) South Fork Smith River	Fourth Oots and as the Mass the assessed	A collection of an
1. from the mouth upstream approximately 1,000 feet to the County Road (George Tryon) bridge and Craigs Creek to Jones Creek.	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.	1 wild trout or steelhead over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead** and 2 cutthroat trout minimum size limit: 10 inches total length and 1 king salmon. No more than 5 wild trout or steelhead** over 16 inches total length may be kept per year.
2. above the mouth of Jones Creek.	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	2 cutthroat trout minimum size limit: 10 inches total length. No other salmonids may be taken.
(D)North Fork Smith River		
1. from the mouth to Stony Creek	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.	1 wild trout or steelhead** over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead** and 2 cutthroat trout minimum size limit: 10 inches total length and 1 king salmon. No more than 5 wild trout or steelhead** over

		16 inches total length may be kept per year.
2. above the mouth of Stony Creek	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	2 cutthroat trout minimum size limit: 10 inches total length. No other salmonids may be taken.

<sup>\*\*</sup>Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.

## Informative Digest/Policy Statement Overview



Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.). Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

# Subsection (b)(183) of Section 7.50, Title 14, CCR, is amended to read:

(183) Soquel Creek (Santa Cruz Co.) from mouth to confluence of East and West branch	Nov. 16 Dec. 1 through Mar. 7, Feb 28, but only on Sat., Sun., Wed., legal holidays and	0
	opening and closing days. Only barbless hooks may be used.	

#### Subsection (b)(186) of Section 7.50, Title 14, CCR is amended to read:

(186) Stanislaus River (Calaveras, San Joaquin, Stanislaus and Tuolumne Cos.)		
(A) From Goodwin Dam downstream to	Jan. 1 through Oct. <del>15</del> <u>31</u> . Only	0 trout
the Highway 120 bridge in Oakdale.	artificial lures with barbless	0 salmon
	hooks may be used	
(B) From the Highway 120 bridge in	Jan. 1 through Oct. <del>15</del> <u>31</u> .	0 trout
Oakdale to the mouth.	Bait may be used from Jan. 1 –	<del>0</del>
	Oct. <del>15</del> 31. However, from April	
	1 through the Friday preceding	
	the fourth Saturday in May, bait	
	may be used only with single	
	hooks having a gap between the	
	point and shank between 1/2	
	and 1 inch, or with multiple	
	hooks having a gap between the	
	point and shank between 1/4	
	and 1/2 inch.	

#### Subsection (b)(187)(C) of Section 7.50, Title 14, CCR, is amended to read:

(187) Stanislaus River, Middle Fork (Tuolumne Co.)		
(C) From the U.S. Forest Service footbridge at Spring Gap to New	Last Saturday in Apr. through Nov. 15.	2
Melones Reservoir, including Sand Bar	1404. 10.	
Forebay.		

# Updated Informative Digest/Policy Statement Overview \*



Current regulations in known steelhead waters of the South Central Sport Fishing District are directed at providing catch-and-release angling opportunities for adult steelhead during December through February. Trout fishing during the summer general trout season in steelhead streams is prohibited. Recent information has identified five additional streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated under steelhead angling regulations. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on ESA-listed juvenile steelhead, the Department is proposing a regulation change to prohibit summer trout fishing and allow no-harvest angling during the winter steelhead season from December 1 through March 7 in the following five streams: 1) Codornices Creek (Alameda Co.), 2) Coyote Creek downstream from Upper Penitencia Creek (Santa Clara Co.), 3) Upper Penitencia Creek (Santa Clara Co.), 4) Pinole Creek (Contra Costa Co.) and 5) Stevens Creek downstream of Stevens Reservoir(Santa Clara Co.). During this period fishing would be allowed only on Saturdays. Sundays, Wednesdays, legal holidays and opening and closing days. Only barbless hooks could be used. This proposed change will make regulations in the above streams consistent with other steelhead streams in the South Central Sport Fishing District.

Recent information has identified streams in the South Central Sport Fishing District as possible steelhead streams that are currently not regulated to provide protection for juvenile steelhead. These streams are currently regulated under the general trout season which allows for the harvest of 5-trout per day. To prevent unnecessary mortality on juvenile steelhead, which are federally listed as Threatened, the Department is proposing a regulation change that prohibits fishing in the following streams: 1) Codornices Creek (Alameda Co.), and 2), Pinole Creek (Contra Costa Co.), and 3) Upper Penitencia Creek. This proposal also includes a no-harvest restriction for trout, steelhead and salmon while allowing harvest of warm water fish in 1) Coyote Creek (Santa Clara County) below Anderson Reservoir, 2) Stevens Creek downstream of Stevens Reservoir (Santa Clara County), and 3) the Guadalupe River below Guadalupe Reservoir (Santa Clara County), including its tributaries of Los Gatos Ck. below Vasona Lake, and Alamitos Ck. and Arroyo Calero

below Calero Reservoir. The purpose of allowing harvest of warm water species is to reduce the number of warm water predators that prey on juvenile trout and steelhead. Gear restrictions that prohibit the use of bait are proposed to prevent incidental hooking injuries to trout while fishing for other species.

In addition, current regulations on Sausal Creek, a small urban stream in Alameda County, allow for fishing during the general trout season from the last Saturday in April through November 15, with a five-fish daily bag limit. Local residents have become interested in restoring Sausal Creek that has been degraded because of urbanization, unnatural flows, sedimentation, and contaminants. Along with restoration efforts, many of the local residents have expressed interest in reducing any harvest of trout. Most of the observed angling activity in this stream is by children. Although little data is available determine the impact of current regulations on the trout population, to honor the concerns from the local citizens and maintain angling opportunities in an urban area, the Department recommends changing the regulations for Sausal Creek to a zero bag limit, with artificial lures and barbless hooks only.

#### Subsection (b)(187.5) of Section 7.50, Title 14, CCR, is added to read:

Area or Body of Water	Open Season	Bag Limit
(187.5) Stevens Creek (Santa Clara	Dec. 1 through Mar. 7, but only on	0 trout
Co.) downstream of Stevens	Sat., Sun., Wed., legal holidays and	0 steelhead
Reservoir.	opening and closing days. Only	0 salmon
	barbless hooks may be used.	(See Article 4.
	Last Saturday in April through Nov.	<u>Species</u>
	<u>15.</u>	Regulations for
	Only artificial lures with barbless	bag limits for
	hooks may be used.	other fish).

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Steelhead trout populations within the Southern California Steelhead Evolutionarily Significant Unit (ESU), from the Santa Maria River (inclusive) to Malibu Creek, were listed by the federal government as endangered in October 1997. On May 2, 2002, the National Marine Fisheries Service (NMFS) extended the range of the Southern California Steelhead ESU from Malibu Creek to the Mexican border.

Current general regulations for trout in the Southern Fishing District allow fishing all year with a five-fish bag limit in all streams of Orange, San Bernardino, Riverside, and portions of Los Angeles counties, except for waters listed in Special Fishing Regulations. Regulations for streams in San Diego County allow fishing all year with artificial lures and barbless hooks only, and a two-fish bag limit, except for waters listed in Special Fishing Regulations.

In recognition of the new range extension and to comply with federal Endangered Species Act, NMFS and the Department are recommending that anadromous portions of all streams in the newly extended range be closed to all fishing. Specific streams listed in the Special Fishing Regulations that this proposal will affect include: San Juan Creek (Orange County), San Mateo Creek (San Diego and Riverside counties), Santa Margarita River (San Diego and Riverside counties), San Luis Rey River (San Diego County), Sweetwater River (San Diego County), and Topanga Creek (Los Angeles County). In addition the District General Regulations will include closures to anadromous portions of streams not named in the Special Fishing Regulation section. For angler clarification, the Department is proposing to describe the anadromous sections of Arroyo Trabucco Creek and Santa Ynez River, and add these streams to the list of waters with special regulations.

Since this proposal was first noticed, Department biologists have received information that closures on the San Gabriel River and San Diego Creek would eliminate popular non-salmonid fisheries near the mouths of these streams (carp and marine species). To preserve fishing opportunities during the period when steelhead are unlikely to be present at stream mouths, the Department is proposing to allow fishing near the mouths of San Gabriel River and San Diego

Creek during the Saturday before Memorial Day through November 30. To further reduce the vulnerability of steelhead to hooking injury, the Department is recommending that only artificial lures and barbless hooks may be used.

The Department is also recommending removal the Santa Clara River from the reference of streams open for trout fishing all year that appears in the General District Regulations, Section 7.00. The stream is a steelhead migratory route and warrants closing to protect endangered steelhead.

The Department is also recommending closing that portion of the Santa Ynez River upstream of Gibraltar Dam to provide refugia for a unique population of native rainbow trout. It is believed these fish are remnant native steelhead that became landlocked after the construction of Gibraltar Dam in 1920. Preservation of this gene pool may be an important element in the future recovery Santa Ynez River steelhead.

### Subsection (b)(190) of Section 7.50, Title 14, CCR, is amended to read:

(190) Sweetwater River and tributaries	All year Closed to all fishing all	5
downstream from the Sweetwater Dam	<u>year.</u>	
(San Diego Co.).	-	

#### Subsection (b)(193.5) of Section 7.50, Title 14, CCR, is amended to read:

(193.5) Topanga Canyon Creek and tributaries (Los Angeles Co.).	Saturday preceding Memorial Day through Dec. 31. Only artificial lures with barbless	θ
	hooks may be used. Closed to all fishing all year.	

#### Subsection (b)(194.5) of Section 7.50, Title 14, CCR, is added to read:

(194.5) Trabucco Creek (a.k.a. Arroyo	Closed to all fishing all year.	
Trabucco Creek)(Orange Co.).		
Downstream of the I-5 bridge to the		
confluence with San Juan Creek		

#### Informative Digest/Policy Statement Overview



Trout Lake is located within the Shasta Valley Wildlife Area (SVWA) in Siskiyou County. Current special fishing regulations provide for trout and black bass angling only on Wednesdays and weekends from April 1 through September 30. Department wildlife personnel at SVWA have determined that early season angling activity at Trout Lake is significantly impacting waterfowl nesting success. Department personnel have documented Canada geese permanently abandoning their nests at multiple locations on Trout Lake. In early to mid April during the 2002 angling season at Trout Lake, DFG personnel documented Canada goose nesting failures at twenty-three (23) of thirty (30) nesting platforms for a nesting failure rate of just over 75%. The primary reason for these nest failures was determined to be abandonment of the nest by adults that were driven off the nests by angler activity on Trout Lake. Goose nesting activities typically continue through the third week of April at Trout Lake.

The proposed regulation change would delay the special trout and black bass angling season opening date from April 1 to the last Saturday in April. This recommended change will eliminate human interference with goose and duck nesting activities on Trout Lake and substantially improve waterfowl production on the lake.

### Subsection (b)(195.5) of Section 7.50, Title 14, CCR, is amended to read:

_			
	(195.5) Trout Lake (Siskiyou County)	Only Wednesdays and weekends	2

from Apr. 1 the last Saturday in	
April through Sept. 30. Only	
artificial lures may be used.	

## Informative Digest/Policy Statement Overview



#### 1. Salmon season extension:

Current regulations on the San Joaquin River from the Highway 140 bridge downstream to the Highway 132 bridge, on the Merced River from Schaffer bridge on Montpelier Road downstream to the mouth, on the Tuolumne River from the Hickman bridge to the mouth, and on the Stanislaus River from the Highway 120 bridge in Oakdale to the mouth provide for a daily bag limit of one salmon from January 1 through October 15. The salmon limit is zero from October 16 through December 31. Because salmon populations have improved significantly during the past ten years, the Department is recommending a slight increase in the number of salmon allowed to be harvested in the San Joaquin, Merced, Tuolumne and Stanislaus rivers. This proposal recommends extending the period when one salmon per day may be taken for an additional two weeks from October 15 to October 31 in those river reaches identified above.

#### 2. Regulation clarification

Current regulations identify a section of the Middle Fork Stanislaus River from the U.S. Forest Service footbridge at Spring Gap at New Melones Reservoir including Sand Bar Forebay as having a daily bag limit of two trout instead of the general district regulation of five trout per day. The purpose of the reduced bag limit is to prevent excessive harvest of a self-sustaining trout population in this reach of the Middle Fork Stanislaus River. Sand Bar Forebay is about a10 surface-acre body of water that is formed by a diversion canal off of the Middle Fork Stanislaus River. Since Sand Bar Forebay is not directly connected to the main stem Middle Fork Stanislaus River, anglers have been confused as to whether the general daily bag limit regulations apply or the reduced bag limit identified in the special fishing regulation subsection 187(C) are applicable to this body of water. As a result of this confusion, the local court (Sonora Court) dismisses all citations involving violations at the Sand Bar Forebay. The Department recommends omitting the reference to Sand Bar Forebay from subsection 7.50(187)(C). This recommendation would have no adverse effect on trout populations in the main stem Middle Fork Stanislaus River.

### Subsection (b)(198) of Section 7.50, Title 14, CCR is amended to read:

(198) Tuolumne River (Stanislaus and Tuolumne Cos.)		
(A) From O'Shaughnessy Dam (Hetchy Hetchy Reservoir) downstream to Early Intake Diversion Dam.	Last Saturday in April through Nov. 15. Minimum size limit: 12 inches total length. Only artificial lures with barbless hooks may be used.	2
(B) From Lumsden Bridge downstream to Clavey River Falls.	Last Saturday in Apr. through Nov. 15. Maximum size limit: 12 inches total length. Only artificial lures with barbless hooks may be used.	2
(C) From La Grange Dam downstream to the Hickman bridge.	Jan. 1 through Oct. 45 31. Only artificial lures with barbless hooks may be used.	0 trout 0 salmon
(D) From the Hickman bridge to the mouth	Jan. 1 through Oct. 45 31.  Bait may be used from Jan. 1 – Oct. 45 31. However, from April 1 through the Friday preceding the fourth Saturday in May, bait may be used only with single	0 trout 1 salmon

hooks having a gap between the point and shank between 1/2 and	
1 inch, or with multiple hooks	
having a gap between the point	
and shank between 1/4 and 1/2	
inch.	

# Informative Digest/Policy Statement Overview



Current angling regulations in the South Central Fishing District provide for steelhead fishing during November 15 through February 28 but only on Saturdays, Sundays, Wednesdays, legal holidays and opening and closing days. Creel and angler survey data indicate that few adult steelhead (greater than 16 inches in length) are caught before December 1. Nearly all of the fish caught prior to December 1 are juvenile steelhead less than 11 inches in length. In order to prevent juvenile steelhead angling mortality during November, and to readjust the winter steelhead season to better coincide with adult steelhead migration timing, the Department is proposing that the opening of the winter steelhead season in the South Central District be delayed until December 1. In order to maintain fishing opportunities, the Department is also proposing to extent the end of the steelhead season from February 28 to March 7.

In addition, this proposal corrects some errors and/or clarifies descriptions of stream sections noted in the List of Waters with Special Fishing Regulations for trout and salmon. These waters include: Aptos Creek (Santa Cruz Co.), Arroyo Seco River (Monterey Co.), Big Sur River (Monterey Co.), Nacimiento River (Monterey & San Luis Obispo Counties), Pescadero Ck. and tributaries (San Mateo & Santa Cruz Co.), Salinas River and tributaries (Monterey and San Luis Obispo Co.s), San Gregorio Ck. (San Mateo Co.), and Waddell Creek (Santa Cruz Co.).

#### Subsection (b)(201) of Section 7.50, Title 14, CCR, is amended to read:

(201) Uvas or Camadero Creek (Santa Clara Co.)		
(A) From Highway 152 Bridge to Uvas	Closed to fishing all year.	
Dam.		
(B) From mouth to Highway 152 Bridge.	Nov. 16 Dec. 1 through Mar. 7, Feb 29, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only barbless hooks may be used.	0

#### Subsection (b)(203.5) of Section 7.50, Title 14, CCR, is amended to read:

(203.5) Waddell Creek (Santa Cruz Co.)	Nov. 16 Dec. 1 through Mar. 7,	0
from mouth to Highway 1 bridge.	Feb 28, but only on Sat., Sun.,	
	Wed., legal holidays and	
	opening and closing days. Only	
	barbless hooks may be used.	
(B) From Los Robles Diversion Dam to	Saturday proceeding Memorial	<del>2</del>
Foster Park Bridge	Day through Nov. 15	
(C) San Antonio Creek from Camp	Saturday proceeding Memorial	
Comfort County Park bridge	Day through Nov. 15 Only	
downstream to Ventura River	artificial lures with barbless	
	hooks may be used.	

## Subsection (b)(206) of Section 7.50, Title 14, CCR, is amended to read:

Walnut Creek (Contra Costa Co.).		
(A) Upstream of the confluence with	Fourth Saturday in May through	0
Grayson Creek.	Mar. 31. Only artificial lure with	

	barbless hooks may be used. from the fourth Saturday in May	
	through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.	
(B) Downstream of the confluence with Grayson Creek.	All year.	<u>0</u>

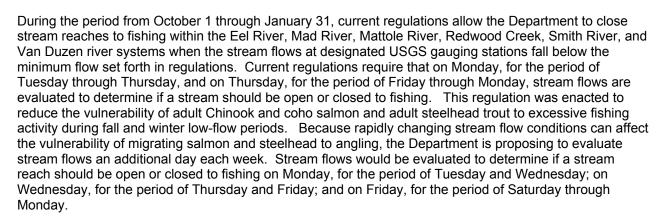
NOTE:

Authority cited: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code.

Reference: Sections 200, 205, 206, 215 and 316.5, Fish and Game Code

#### §8.00. Supplemental Regulations.

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In addition, current regulations require fishing closure of a river reach if flows are less than the designated minimum flow on the scheduled flow-determination day and time. Current regulations also allow the Department to reopen a stream during the period of closure if the designated minimum flow is exceeded and the Department is reasonably assured that stream flows will increase above the designated minimum flow before the next flow determination day. However, current regulations do not allow the Department to close a stream if the Department is reasonably assured that flows will fall below designated minimum flows before the next flow-determination day. To provide additional protection for adult Chinook and coho salmon and adult steelhead during periods of low stream flows, the Department is proposing regulations that allow the closing of a stream if minimum stream flows are expected to occur before the next stream-flow-determination day.

Current Mad River low-flow regulations identify the County Road Bridge at Maple Creek as the upper boundary that would be closed to fishing during periods of low stream flow, while angling regulations identify the upper boundary eight miles farther upstream at the confluence of Cowan Creek. Hence, during potential low flow angling closures from October 1 through January 31, the Mad River from near its mouth upstream to the County Road Bridge at Maple Creek could be closed to angling while the 8-mile river reach from the County Road Bridge at Maple Creek upstream to Cowan Creek remains open to fishing. The Department recommends extending the Mad River low-flow section from the County Road Bridge at Maple Creek upstream to the confluence of Cowan Creek to coincide with the section of stream defined in the special fishing regulations.

#### Subsections (a) of Section 8.00, Title 14, CCR, is amended to read:

#### § 8.00 . Low-Flow Restrictions.

(a) Eel River, Mad River, Mattole River, Redwood Creek, Smith River and Van Duzen River. Stream closures: Special Low Flow Conditions. From October 1 through January 31, any of the stream reaches listed in subsection (1) through (7) below shall be closed to all angling on from Tuesday through Thursday and Wednesday when the department determines that the flow on the previous Monday morning at any of

the designated gauging stations is less than the minimum flows set forth in subsections (1) through (7); any of the stream reaches listed in subsections (1) through (7) below shall be closed to all angling from on Thursday and Friday through Monday when the department determines that the flow on the previous Thursday morning Wednesday at any of the designated gauging stations is less than the minimum flows set forth in subsections (1) though (7); any of the stream reaches listed in subsections (1) through (7) below shall be closed to all angling from Saturday through Monday when the department determines that the flow on the previous Friday at any of the designated gauging stations is less than the minimum flows set forth in subsections (1) through (7). Notwithstanding this provision, the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination day if the department is reasonably assured that the stream flow is likely to decrease below the minimum flow as specified in subsections (a)(1)-(7) of Section 8.00 before the next flow-determination date. In addition, the department may reopen a stream at any time during a closed period if the minimum flow as specified in subsections (b)(a)(1)-(7) of Section 8.00 is exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, or-Wednesday, or Friday flow determination. The department shall make information available to the public by a telephone recorded message updated, as necessary, no later than 1:00 p.m. each Monday, and Thursday Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any stream.

(1) The main stem Eel River from the paved junction of Fulmor Road with the Eel River to the South Fork Eel River.

Minimum Flow: 350 cfs at the gauging station near Scotia.

(2) The South Fork of the Eel River downstream from Rattlesnake Creek and the Middle Fork Eel River downstream from the Black Butte River.

Minimum Flow: 340 cfs at the gauging station at Miranda.

(3) Van Duzen River: The main stem Van Duzen River from its junction with the Eel River to the Highway 36 bridge near Bridgeville.

Minimum Flow: 150 cfs at the gauging station near Grizzly Creek Redwoods State Park.

(4) Mad River: The main stem Mad River from the Hammond Trail Railroad Trestle to the County Road bridge at Maple Cowan Creek.

Minimum Flow: 200 cfs at the gauging station at the Highway 299 bridge.

(5) Mattole River: The main stem of the Mattole River from the mouth to Honeydew Creek.

Minimum Flow: 320 cfs at the gauging station at Petrolia.

- (6) Redwood Creek: The main stem of Redwood Creek from the mouth to its confluence with Bond Creek. Minimum Flow: 300 cfs at the gauging station near the Highway 101 bridge.
- (7) Smith River: The main stem Smith River from the mouth of Rowdy Creek, to its confluence with Patrick Creek; the South Fork Smith River from the mouth to its confluence with Jones Creek; and the North Fork Smith River from the mouth to its confluence with Stony Creek.

Minimum Flow: 400 cfs at the Jedediah Smith Redwoods State Park gauging station.

The number to call for information is (707) 442-4502.

(b) Central Coast Streams: Stream Closures: Special Low Flow Conditions.

From October 1 through April 1 in Napa River (Napa County) between Trancas Avenue in Napa and Lincoln Bridge in Calistoga, Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River, shall be closed to all angling for a period of one week, commencing on any Thursday when the Department determines that the flow on the previous Wednesday morning at the gauging station on the main stem Russian River near Guerneville (Sonoma County) is less than 500 cfs. Notwithstanding this provision, the Department may immediately reopen the streams to fishing if it determines that such flows exceed 500 cfs and no negative impact to the resource would result. The Department shall make information available to the public by telephone recorded message, updated no later then 1:00 p.m. each Wednesday, as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any stream.

THE NUMBER TO CALL FOR INFORMATION IS (707) 944-5533.

(c) The Carmel River main stem shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station near Carmel is less than 135 cfs. The stream flow gauge will be checked on Tuesday and Friday of each week. The decision as to whether the river will be open or closed to fishing will take place only on Tuesday and Friday of each week. In the event that river flow changes above or

below 135 cfs later in the week, the fishing status for the river will not change until the day following the next scheduled reading. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of the river. THE NUMBER TO CALL FOR INFORMATION IS (831) 649-2886.

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Current regulations require the Department to close the main stem Carmel River to fishing when stream flows are less than 135 cubic-feet-per-second (cfs). Low-flow closures are generally put in place to avoid excessive and repetitive catch-and-release angling pressure on steelhead that may be trapped in individual pools because stream flows are inadequate to allow them free passage upstream. Low-flow conditions generally occur during years of below normal rainfall.

In order to more accurately reflect steelhead passage problems and avoid excessive angler contact of steelhead during low stream flow conditions in the Carmel River and other anadromous streams of the South Central Sport Fishing District, the Department is proposing the following low-flow fishing closures:

- 1. Carmel River, reduce the low-flow closure trigger from 135 cfs to 80 cfs. The low-flow closure on the Carmel River will be applied to four adjacent creeks, San Jose, Gibson, Malpaso, Soberanes
- 2. Big Sur River, a 40 cfs low-flow closure. Low flow closures on the Big Sur River would also apply to all other coastal streams of the Big Sur coast in Monterey County from Granite Creek south to Salmon Creek.

The Department is proposing to add low-flow closures for all other steelhead streams in coastal San Mateo, Santa Cruz, and Monterey counties, the lower Salinas River, and one Bay Area stream using gauges on index streams to represent adjacent and analogous watersheds. The specific lowflow values that will trigger angling closures are to be developed based on gauging station flows and measurements of water depth and channel geometry that determine fish passage ability. It is expected that these values will be available for the 2005 angling regulation cycle. In the interim, the Department is proposing to close the below streams to angling when the Department determines through various sources of information that low stream-flows are impeding fish passage and fish are being exposed to excessive angling pressure without means of escape. Streams proposed to be used for low-flow gauging that could trigger angling closures are:

- 3. Pajaro River and all its tributaries (between 40 to 150 cfs). based on the lower Pajaro River USGS gauge.
- 4. Salinas River, lower main stem below its confluence with the Arroyo Seco River based on the USGS Salinas River gauge near Spreckels; and also the Arroyo Seco River based on both the USGS Arroyo Seco gauge near Greenfield and the Spreckels gauge in Monterey County.
- 5. Arroyo Seco River based on both the USGS Arroyo Seco gauge near Greenfield (between 40 to 150) cfs) and at the Spreckels gauge in Monterey County. (between 40 to 250 cfs).
- Aptos and Soquel creeks (between 8 to 50 cfs) based on the USGS Soquel Creek gauge in Santa Cruz County.
- San Lorenzo River and adjacent streams north to Waddell Creek in Santa Cruz County. (between 40 to 140 cfs).
- 8. Pescadero Creek (between 8 to 50 cfs.) and San Mateo County coastal streams from Elliot Creek to Milagro Creek.
- 9. Coyote Creek downstream of its confluence with Upper Penetencia Creek, and Upper Penitencia Creek. (20 to 40 cfs).

Subsection (d) of Section 8.00, Title 14, CCR, is amended to read:

- (d) The Carmel River main stem shall be closed to all fishing when the department determines that the flow at the U.S.G.S. gauging station near Carmel is less than 135 cfs.
- (d) South Central Coast Streams Special Low Flow Closures: <u>During December 1 through March 7 the following streams</u> (subsections (1) through (7)) will be closed to fishing when the Department determines that stream flows are inadequate to provide fish passage for migrating steelhead trout and salmon. Closed streams will be reopened when the Department determines flows are adequate for fish passage. By December 2005, the Department will develop stream-flow values in cubic-feet-per-second at the below U.S.G.S. gauging stations that indicate when fish passage is impeded and streams are to be closed to fishing.
- (1) <u>Upper Penitencia Ck. (Santa Clara Co.) and Lower Coyote Ck. below its confluence with Upper Penitencia Ck., shall be closed to all fishing when the department determines that the flow at the (U. S. G. S. gauging station on lower Coyote Ck. above St. Highway 237 in Milpitas). is less than XX cfs (XX to be in the range of 20-40).</u>
- (2) Pescadero Creek and all anadromous reaches of San Mateo Co. coastal streams normally open for fishing, from Elliot Ck. through Milagro Ck., shall be closed to all fishing when the department determines that the Pescadero Ck. flows are impeding fish passge. at the (U. S. G. S. gauging station is on Pescadero Ck.) is less than XX cfs (XX to be in the range of 8-50).
- (3) The San Lorenzo River and all its tributarties, as well as all anadromous reaches of coastal streams normally open for fishing in Santa Cruz Co. from the San Lorenzo R. on North through Wadell Ck., shall be closed to all fishing when the department determines that the San Lorenzo flows are impeding fish passage. at the (U. S. G. S. gauging station in Henry Cowell Redwood State Park). is less than XX cfs (XX to be in the range of 40-140).
- (4) Aptos and Soquel Creeks (Santa Cruz Co.) shall be closed to all fishing when the department determines that the Soquel Ck. flows are impeding fish passge. at the (U. S. G. S. gauging station on Soquel Ck.). is less than XX cfs (XX to be in the range of 8-50).
- (5) The Pajaro River and Uvas, Llagas, and Corralitos Creeks, (Santa Cruz, Monterey, & Santa Clara Co.) shall be closed to all fishing when the department determines that the Pajaro R. flows are impeding fish passage. at the (U. S. G. S. gauging station on the lower Pajaro River). is less than XX cfs (XX to be in the range of 40-150).
- (6) The main stem of the Salinas River (Monterey Co.), below its confluence with the Arroyo Seco River shall be closed to all fishing when the department determines that the flows are impeding fish passage. -at the (U. S. G. S. Spreckels gauging station on the Salinas R.). on is less than XX cfs (XX to be in the range of 40-250).
- (7) The Arroyo Seco River (MontereyCo.) shall be closed to all fishing when the department determines that the flows are impeding fish passage. at either the (Flows to be evaluated at U. S. G. S. Spreckels gauging station on the Salinas R. is less than XX cfs (XX to be in the range of 40-250), or and the U. S. G. S. gauging station near Geenfield on the Arroyo Seco R.). is less than XX cfs (XX to be in the range of 40-150).
- (8) The Carmel River main stem , and the adjacent waters of San Jose, Gibson, Malpaso, Soberanes Creeks that are West of Highway 1 (Monterey Co.), shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station near Carmel is less than 135 80 cfs.
- (9) The Big Sur River main stem west of the Highway 1 bridge, all of Limekiln Ck and its tributaries, and the anadromous portions of all other Big Sur Coast streams West of Highway 1 in Monterey Co., from Granite Ck. south to Salmon Ck., shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station on the Big Sur River is less than 40 cfs.

The stream flow gauges referred to above in subsections (8) and (9) will be checked on Tuesday and Friday of each week. The decision as to whether the river these rivers will be open or closed to fishing will take place only on Tuesday and Friday of each week. In the event that river flow differs changes above or below 135 cfs later in the week, the fishing status for the each specific river will not change until the day following the next scheduled reading. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any of the rivers or creeks listed above in subsections (1) through (9). THE NUMBER TO CALL FOR INFORMATION IS (831) 649-2886.

NOTE:

Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code. Reference: Sections 200, 202, 205, 206 and 220, Fish and Game code.

§27.60. Limit.

# Informative Digest/Policy Statement Overview



Under existing regulations, recreational anglers fishing in waters of the Ocean and San Francisco Bay District (described in Section 27.00, Title 14, CCR) (ocean waters) are subject to individual daily bag and possession limits that include a general 20-finfish daily bag and possession limit overall and other daily bag and possession limits specific to individual species of finfish [Sections 27.60 and 27.85 through 28.59, Title 14, California Code of Regulations (CCR)]. Also, under existing regulations, some species of fish have no daily bag limit (any number may be taken) [Subsection 27.60(d), Title 14, CCR]. Once a person has caught an authorized daily bag limit of fish, that person is supposed to stop fishing for that species. However, while not presently authorized, it has been common practice for anglers that have already caught a daily bag limit of a finfish aboard a boat to keep fishing to help fill the daily bag limit of other anglers aboard that have not yet caught a limit of fish.

Also, existing regulations require owners and operators of commercial passenger fishing vessels (CPFVs) to record information about each fishing trip, including numbers of anglers, fishing location, and fish caught aboard the CPFVs on logbooks, and provide that information to the Department (Section 195, Title 14, CCR). Existing regulations also specify that fish may not be taken or possessed by CPFV passengers, or the vessel owner or operator in excess of the individual daily limits prescribed in sport fishing regulations.

Proposed regulation changes would authorize what are commonly termed daily "boat bag limits" or simply "boat limits" by allowing anglers aboard vessels to continue to fish after they have taken their individual daily bag and possession limits, until the daily bag limit for all authorized anglers aboard a vessel is filled [Amends Sections 1.17, 1.59, 27.60, and 195, Title 14, California Code of Regulations (CCR)]. Generally, boat limits are calculated as the daily bag limit for a species or species group of fish times the number of anglers authorized to fish on a vessel.

The proposed changes would authorize daily boat limits for anglers aboard any vessel in ocean waters. Under the proposed regulation changes, those anglers who do not wish to continue to catch fish after they have taken their own daily bag limit(s) may chose to either stop fishing at that point, or continue to help catch fish for others who do not have a daily bag limit of fish, including hooking fish and passing the rod and reel to others to fight and land the fish, until the boat limit is achieved. An authorization for anglers to continue to fish until a boat limit is taken does not allow individual anglers to possess more than their individual daily bag limit for any species of finfish. Once a fishing trip is completed and anglers have disembarked from a vessel, an angler may only possess one daily bag limit of a species, unless the vessel is fishing under a Declaration of Multi-Day Fishing Trip filed with the Department pursuant to Section 27.15, Title 14, CCR.

Five alternatives that would authorize boat limits aboard CPFVs are being provided for Fish and Game Commission (Commission) consideration. These alternatives either authorize the operator(s) and crew members on a vessel to be included with the number of passengers authorized to fish when calculating boat bag limits for a fishing trip, or prohibit the operator(s) and crew members from being included when calculating boat limits. Also, these alternatives either allow or prohibit the operator(s) and crew members from catching and/or keeping fish during a trip towards achieving the boat limits or possessing fish at the end of a trip.

Other provisions are being considered under alternatives that would authorize boat limits as follows:

- An authorization to take and possess boat limits does not apply to fishing trips originating in California where fish are taken in another jurisdiction. This change is needed to assure that California's sport fishing regulations do not inadvertently in conflict with those of other jurisdictions, and that California's boat limits are applicable only to angling from vessels in the waters off California.
- For each trip, the number of passengers, operator(s), and crew members are required to be recorded separately on the vessel logbook under "number of fishers" and next to the vessel operators' signature, respectively. This change will help assure that enforcement staff can distinguish between the number of passengers and operator(s)/crew members for purposes of calculating the authorized boat limits

aboard a vessel.

- Upon completion of a sport fishing trip, persons authorized to take fish on that trip may not possess
  more than the authorized daily limit taken under a boat limit. This change will ensure that enforcement
  staff can determine whether the daily bag limit provisions for each species and species group have
  been complied with by individuals at the completion of a fishing trip.
- A fishing trip is completed at the time a person disembarks from the vessel. This change will help
  ensure that passengers, crew, and enforcement staff clearly understand at what point the trip is
  technically completed and persons will be accountable for violations of individual daily bag limits.
- Species and species groups for which no bag and possession limit exists are not included in the boat limit. This change will ensure that operator(s), crew members, passengers, and Department staff understand that species for which no bag limits presently exist are not involved in the calculation of a boat limit.
- Where boat limits are provided for in Section 195, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including, but not limited to violations of overlimits, possession of prohibited species, minimum size limits, and fish taken out of season or in closed areas. This change will help further clarify in regulation that the vessel operators and crew members, who are the primary persons handling fish aboard their vessels, are also primarily responsible for ensuring compliance with sport fishing regulations aboard their vessel.

Also, changes proposed in existing regulations governing CPFV logbooks would add and clarify provisions regarding identification, completion, availability, inspection, and confidentiality of CPFV logbooks. The proposed regulation changes also clarify that fish may not be taken or possessed by CPFV passengers, or the vessel owner or operator in violation of sport fishing regulations including taking more than the authorized individual daily limits prescribed in regulation.

Minor editorial changes are also proposed to improve the clarity and consistency of the regulations.

#### Section 27.60, Title 14, CCR, is amended to read:

#### 27.60. Limit.

- (a) General. No more than 20 finfish in combination of all species with not more than 10 of any one species, may be taken or possessed by any one person except as otherwise provided <u>or as defined in subsection (e) below or in Section 195</u>. (See Sections 27.70 through 28.62 for minimum size limits and poundage restrictions for certain species.)
- (b) Within the overall bag limit of 20 fish, the following special limits apply:
- (1) Rockfish (rockcod) and lingcod taken in the Northern Rockfish and Lingcod Management Area:
- Rockfish (see Sections 27.82 and 28.55) -- 10 fish all of which may be of the same species of rockfish except as provided for bocaccio which is two, cowcod which is zero, yelloweye rockfish which is one, (but no more than two per vessel) and canary rockfish which is one.
- Lingcod (see Sections 27.82 and 28.27) -- two fish.
- (2) RCG complex, as defined in Section 1.91, lingcod, and California scorpionfish taken in the Central or Southern Rockfish and Lingcod Management Areas:
- RCG complex (see Sections 27.82, 28.28, 28.29 and 28.55) -- 10 fish, except as provided for bocaccio, cowcod, yelloweye rockfish, and canary rockfish which is zero. The following RCG complex sub-limits also apply: shallow nearshore rockfish as defined in Section 1.90(e) -- 2 fish, cabezon -- 3 fish, and greenlings of the genus Hexagrammos -- 2 fish.
- Lingcod (see Sections 27.82 and 28.27) -- two fish.
- California scorpionfish (see Sections 27.82 and 28.54) -- five fish.
- (3) For species of fish other than rockfish, lingcod, California scorpionfish, cabezon and greenlings, within the overall bag limit of 20 fish, the following special limits apply: California sheephead in Section 28.26 which is five fish, salmon--two fish, except as provided in Section 27.80; trout taken from ocean and bays--three fish; white seabass--three fish, except as provided in Section 28.35; sturgeon--one fish; striped bass--two fish; California halibut--five fish, except as provided in Section 28.15; Pacific halibut--one fish; giant

- (black) sea bass--zero fish, except as provided in Section 28.10; surfperch--five fish in the aggregate of all species, except for shiner surfperch under subsection (c) below; broadbill swordfish--two fish; marlin--one fish; garibaldi--zero fish; gulf grouper--zero fish; broomtail grouper--zero fish; leopard shark--three fish; blue shark--two fish; thresher shark--two fish; shortfin make shark--two fish; soupfin shark--one fish; sixgill shark--one fish; white shark--zero fish.
- (c) In addition to the overall bag limit of 20 fish, and special limits in subsection (b), the following special limits apply: Shiner surfperch--20.
- (d) There is no limit on the following species: Albacore, anchovy, bluefin tuna, grunion, jacksmelt, topsmelt, petrale sole, Pacific butterfish (pompano), queenfish, sanddabs, skipjack, jack mackerel, Pacific mackerel, Pacific staghorn sculpin, starry flounder, round herring, Pacific herring and Pacific sardine.
- (e) Boat limit. When two or more persons that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, defined in Section 27.00, are angling for finfish aboard a vessel in these waters, fishing by all authorized persons aboard may continue until boat limits of those finfish identified under subsections (a) through (c) above are taken and possessed aboard the vessel as authorized under this section or Section 195, Title 14, CCR.
- (1) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.
- (2) A boat limit for a species or species group identified in subsections (a) through (c) above is the number of persons aboard a vessel that are licensed or otherwise authorized to sport fish in ocean waters off California, or in waters of the San Francisco Bay District,
- (see special conditions of Section 195, Title 14, CCR, applicable to operator and crew members of vessels licensed pursuant to Fish and Game Code 7920: language only included if the Commission does not authorize crew to fish and retain fish as part of bag limit.) multiplied by the individual daily bag limit authorized for a species or species group in those waters. With the exception of species listed in subsection (d) above, the total fish aboard a boat may not exceed the aggregate per-person daily bag limit of 20-finfish in combination of all species times the number of anglers licensed or otherwise authorized to sport fish aboard the vessel. It is unlawful to exceed the boat limit at any time.
- (3) All persons aboard a vessel may be cited where violations involving boat limits are found, including, but not limited to the following violations:
- (A) Over limits
- (B) Possession of prohibited species
- (C) Violation of size limits
- (D) Fish taken out of season or in closed areas.
- (4) Upon completion of a fishing trip aboard a vessel, each licensed angler or person otherwise authorized to sport fish may not possess more than the individual daily bag and
- possession limits defined in Section 1.17, Title 14, CCR and in subsections (a) through (c) above. For purposes of this section, a trip is completed at the time a person disembarks from a vessel and individual possession limits apply. Special boat limit provisions apply to persons fishing aboard commercial passenger fishing vessels reporting pursuant to Section 195, Title 14, CCR.
- (5) Species or species groups for which no daily bag limit exists under subsection (d) above are not counted as part of a boat limit.

NOTE

Authority cited: Sections 200, 202, 205, 215, and 8587.1, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 215, 220, 5517, 7120, and 8585.5, Fish and Game Code.

#### §29.15. Abalone.

# Informative Digest/Policy Statement Overview

Under existing regulation (Section 29.15, Title 14, CCR), abalone may be only taken for sport purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. Current regulations specify: seasons, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and sizes.

Members of the public have requested that Section 29.15 be reviewed for clarification. The following is a summary of the changes proposed for Section 29.15, Title 14, CCR:

- (a) require an abalone report card only for persons required to have a sport fishing license;
- (b) require persons taking abalone from a boat to complete their abalone report card immediately upon returning and boarding the boat;
- (c) specify that the correct way to make a hole in the abalone punch card is by removing the punched section;
- (d) make it the responsibility of the license agent to record the abalone report card number on the fishing license, and the fishing license number on the abalone report card;
- (e) change the name of the "abalone report card" to "abalone permit report card";
- (f) minor editorial changes are (also) proposed to improve the clarity and consistency of the regulations.

Section 29.15, Title 14, CCR is amended to read:

#### §29.15. Abalone.

- (a) Geographic Area: Abalone may only be taken north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. No abalone may be taken, landed, or possessed if landed south of this line.
- (b) Open Season and Hours: Abalone may be taken only during the months of April, May, June, August, September, October and November from one-half hour before sunrise to one-half hour after sunset. (c) Bag Limit and Yearly Trip Limit: Three red abalone, Haliotis rufescens, may be taken per day. No more than three abalone may be possessed at any time. No other species of abalone may be taken or possessed. Each person taking abalone shall stop detaching abalone when the limit of three is reached. No person shall take more than 24 abalone during a calendar year. See subsection (h) of Section 29.15 below. (d) Minimum Abalone Size: All red abalone must be seven inches or greater measured along the longest shell diameter. All legal size abalone detached must be retained. No undersized abalone may be brought ashore or aboard any boat, placed in any type of receiver, kept on the person, or retained in any person's possession or under his control. Undersize abalone must be replaced immediately to the same surface of the rock from which detached. Abalones brought ashore shall be in such a condition that the size can be determined.
- (e) Special Gear Provisions: The use of SCUBA gear or surface supplied air to take abalone is prohibited. Abalone may not be taken or possessed aboard any boat, vessel, or floating device in the water containing SCUBA or surface supplied air. Abalone may be taken only by hand or by devices commonly known as abalone irons. Abalone irons must be less than 36 inches long, straight or with a curve having a radius of not less than 18 inches, and must not be less than 3/4 inch wide nor less than 1/16 inch thick. All edges must be rounded and free of sharp edges. Knives, screwdrivers and sharp instruments are prohibited. (f) Measuring Device. Every person while taking abalone shall carry a fixed caliper measuring gauge
- capable of accurately measuring seven inches. The measuring device shall have fixed opposing arms of sufficient length to measure the abalone by placing the gauge over the shell.
- (g) Abalone Possession and Transportation: Abalones must not be removed from their shell, except when being prepared for immediate consumption.
- (h) Abalone Permit Report Card. All persons, required to possess a sport fishing license, must have a nontransferable Abalone Permit Report Card (FG2915 (New 12/9912/03)) issued by the department while taking abalone. Upon purchase of the report card, the card number shall be entered in ink on the back of the angler's sport fishing license. The sport fishing license number shall be entered on the report card in the appropriate box.—The Aabalone Permit Report Ceard shall be kept with the fishing license while taking or attempting to take abalone. Persons diving from a boat shall keep the license and Aabalone Permit Report Ceard in the boat. The Abalone Permit Report Card shall be completed as required immediately upon returning and boarding the boat with abalone. Persons diving from the shore shall keep the license and Aabalone Permit Report Ceard within 500 yards on the shore. Persons must shall, immediately upon taking and/or bringing ashore an abalone, make a hole and completely remove the punched section from the report card in one of the designated locations for each abalone taken, and record with indelible ink, the date, time and location code in the spaces provided adjacent to the hole.

For the purposes of this Section a boat is defined as any watercraft used or capable of being used as a means of transportation on water (reference Section 9840(a), Vehicle Code and Section 6552(q), Title 14, California Code of Regulations).

An Abalone <u>Permit</u> Report Card shall be valid during the open season for taking abalone in the calendar year for which it was issued. No person may be issued or possess more than one Abalone <u>Permit</u> Report

Card or any Aabalone Permit Rreport Coard other than their own. No person shall take more than 24 abalone in a calendar year. The Abalone Permit Report Card must be returned to the Department of Fish and Game at 19160 South Harbor Drive, Fort Bragg, California 94537, within 30 days of the close of the calendar abalone season.

(i) Upon purchase of the Abalone Permit Report Card, the card number shall be entered by the license agent in ink on the back of the angler's sport fishing license. The sport fishing license number shall be entered by the license agent on the Abalone Permit Report Card on the appropriate line. NOTE

Authority cited: Sections 200, 202, 205, 210, 220, 240, 5521 and 7149.8. Fish and Game Code.

Reference: Sections 200, 202, 205, 220, 5521, 7145 and 7149.8, Fish and Game Code.

#### §43. Captive Propagation and Commercialization of Native Reptiles and Amphibians.

# Informative Digest/Policy Statement Overview



Current regulations authorize the Department to issue permits for captive propagation of the following three native snakes for commercial purposes: common kingsnake (Lampropeltis getulus), gopher snake (Pituophis melanoleucus), and rosy boa (Lichanura trivirgata). No other native reptiles or amphibians are allowed for commercial purposes. Amphibians and reptiles not native to California are allowed for commercialization, unless specifically prohibited in Section 671, Title 14 (Restricted Species).

In previous Commission meetings, the Department recommended that the Commission consider removing amphibians from the title and body of Section 43, Title 14, so that the regulation applies only to reptiles. No amphibians are currently authorized for use under this section. On February 6, 2003, the Commission adopted a policy, drafted by the Department, that provides guidelines for addressing requests to add or remove species from the list of species authorized for capture and propagation for commercial purposes. The Department is proposing a regulation change that supports the Commission's decision to remove amphibians from Section 43 and adds a provision for adding or removing animals from the authorized list for capture and commercial propagation.

Current regulations lack a provision for a proponent to request the addition or removal of a species from the existing list of species (Section 43) allowed for commercial propagation and sale. The Department's proposed amendments to Section 43 charge the proponent that requests modifications of the list of species that can be commercially bred and sold, with the responsibility to provide certain specific information necessary for the Department, and ultimately the Commission, to evaluate the proposed action. The information to be required of a proponent is necessary under the Certified Regulatory Program for Adoption of Regulations (Section 777.8, Title 14). The Department recommends that a proponent of such a change should be required to provide whatever information is available about the population status of the reptile, captive care guidelines, an evaluation of the pet market for the reptile, an evaluation of the effects to the environment of released or escaped pets, and an evaluation of the effects of broodstock collection methods on wild populations. The Department will forward a recommendation to the Commission based on reviews of the proponent's information by Department staff and by independent professional herpetologists outside of the Department.

#### Section 43, Title 14, CCR, is amended to read:

#### Captive Propagation and Commercialization of Native Reptiles and Amphibians.

- (a) Native Reptile and Amphibian Propagation Permit.
- (1) Permit Required. Except for pet shops as provided in subsection 43(fe), every person, who, for commercial purposes, sells, possesses, transports, imports, exports or propagates native reptiles ex amphibians pursuant to subsection 43(c), or who propagates native reptiles and amphibians for noncommercial purposes pursuant to subsection 43(b), shall have a native reptile and amphibians propagation permit that has not been revoked or suspended issued to that person. The permit or a legible copy of the permit shall be in the immediate possession of the permittee while native reptiles or amphibians are being displayed to the public, taken, transported, or sold. The permit or a legible copy of the permit shall be kept where native reptiles or amphibians are maintained. No permit is required for the purchase of subspecies of native reptiles authorized pursuant to subsection 43(c).

- (2) Application. Application for a permit shall be made on Native Reptile and Amphibian Propagation Permit Application, Form FG 391 (7/96) FG 391B (8/02) which is incorporated by reference herein. Application forms are available from the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, California 95816 Telephone (916) 227-2244. The application form shall be completed in its entirety, including information on the species and/or subspecies proposed for propagation, the location of the rearing facility and other related information.
- (3) Term of Permit. Permits issued under the provisions of this section shall be valid from January 1 through December 31 or, if issued after the beginning of such term for the remainder thereof . Permits that expire between September 10, 1996, and December 31, 1996, shall be automatically extended through December 31, 1996.
- (4) Denial. The department may deny a permit to any person who fails to comply with the provisions of a permit or any regulations pertaining to native reptiles or amphibians. Any person denied a permit may request a hearing before the commission to show cause why his/her permit should be issued.
- (5) Revocation. The commission, after proper notice and providing for an opportunity to be heard, may revoke or suspend a permit for a violation of the Fish and Game Code, or the Title 14, CCR, or any federal law or regulation pertaining to reptiles or amphibians.
- (6) Permit fees. The permit fee shall be the basic fee set forth in subsection 699(b), Title 14, California Code of Regulations. This fee shall be annually adjusted pursuant to Section 713 of the Fish and Game Code.
- (7) Albino Native Reptiles and amphibians. Albino reptiles and amphibians are defined as individual native reptiles and amphibians lacking normal body pigment and having red or pink eyes. No permit is required for the possession, propagation, importation, exportation, transportation, purchase or sale of captively-bred native albino reptiles. The provisions of sections 41.5 and 42.5 5.60 apply to the taking and possession of albino native reptiles and amphibians from the wild.
- (b) Non-commercial Propagation. The department may authorize the possession and propagation of no more than three species and no more than 30 individuals in the aggregate including progeny under a native reptile and amphibian propagation permit. Within the overall limit of 30 individuals, the department may authorize no more than four of any one species to be taken from the wild. Individuals may be taken only by the methods authorized by sections 41.4 and 42.5 5.60. Native reptiles and amphibians possessed pursuant to this subsection may not be purchased or sold.
- (c) Propagation and Possession for Commercial Purposes. Native reptiles and amphibians may not be sold, possessed, transported, imported, exported or propagated for commercial purposes, except as provided in Section 40(ef) and except as follows:
- (1) Subspecies Authorized. Pursuant to the provisions of this section, only the following subspecies may be sold, possessed, transported, imported, exported, or propagated for commercial purposes:
- (A) California common kingsnake (Lampropeltis getulus californiae);
- (B) California subspecies of the gopher snake (*Pituophis melanoleucus*): Great Basin gopher snake (*Pituophis melanoleucus deserticola*), Pacific gopher snake (*Pituophis melanoleucus catenifer*), San Diego gopher snake (*Pituophis melanoleucus annectens*), and Sonora gopher snake (*Pituophis melanoleucus affinis*);
- (C) California subspecies of the rosy boa (*Lichanura trivirgata*): Coastal rosy boa (*Lichanura trivirgata roseofusca*) and Desert rosy boa (*Lichanura trivirgata gracia*).
- (2) Bill of Sale. All animals sold pursuant to these regulations must be accompanied by a numbered bill of sale which shall contain the name and permit number of the permittee, the complete scientific name of each native reptile sold and the name and address of the buyer. A copy of the bill of sale shall be retained by the buyer.
- (d) Addition or Removal of reptiles authorized for commercial propagation. The following information shall accompany a request to add or remove a reptile to the list that may be commercially propagated:

  A review of scientific literature documenting the population status of the species in California
- (1) Caging and care guidelines for the animal in captivity.
- (2) Analysis of the effects of broodstock collection methods on wild populations.
- (3) Analysis of the effects on wild reptile populations of released or escaped reptiles bred under this program.
- (4) Evaluation of the commercial market for the proposed species.
- (ed) Limits. Except as otherwise authorized, no person shall take or possess native reptiles and amphibians taken from the wild in excess of the bag and possession limits specified in sections 41.5 and 42.5 5.60. There are no possession limits for captively-bred native reptiles and amphibians authorized by

subsection 43(c) for persons possessing a native reptile and amphibian propagation permit or for which the person has a bill of sale as required in subsection 43(c)(2). (fe) Pet Shops.

- (1) Defined. A "pet shop" means a permanent place of business, licensed by a city or county, that is open to the public and maintains normal business hours, where pet animals are kept for retail sale. An "owner or operator" means the person who owns or is in charge of the pet shop.
- (2) Exemption. Pet shop owners or operators or their employees or agents, are not required to obtain a native reptile and amphibian propagation permit to purchase, transport directly from the point of purchase to the pet shop, possess or resell native reptiles and amphibians purchased from a permittee pursuant to subsection 43(c). This exemption applies only to native reptiles and amphibians sold by the pet shop from the premises of the pet shop.
- (3) Records of Purchases. The owner or operator of a pet shop shall retain the original bill of sale at the pet shop for each native reptile and amphibian acquired while the animal is at the pet shop and for two years thereafter. The bill of sale shall contain the name and permit number of the native reptile permittee from which the animals were purchased or acquired, the date acquired and the scientific name and number of each subspecies of animals acquired.
- (4) Records of Sales. Each native reptile and amphibian sold by pet shops shall be accompanied by a numbered bill of sale which shall contain the name and address of the pet shop, the date sold and the scientific name and number of each subspecies sold. A copy of the bill of sale shall be retained at the pet shop for two years from the date of sale.
- (5) Effect of Violation. No native reptiles or amphibians shall be sold from any pet shop whose owner or operator, or any employee or agent selling native reptiles or amphibians from the pet shop, has been convicted of a violation pertaining to native reptiles or amphibians within the previous three years.
- (gf) Humane Care and Treatment. Permittees shall comply with the following provisions:
- (1) Enclosures. The perimeter of the enclosure for snakes 33 inches or less shall be 1.5 times the length of the snake. The perimeter of the enclosure for snakes more than 33 inches in length shall be 1.25 times the length of the snake. The perimeter shall be measured on the inside of the top edge of the enclosure. Snakes may be kept in smaller cages or containers for 31 days from the date of birth or hatching and while being transported or displayed at trade shows. All enclosures shall be adequately ventilated. The substrate shall facilitate the ability to maintain a clean and healthy environment for each animal.
- (2) Food. Food shall be wholesome, palatable and free from contamination and shall be supplied in sufficient quantity and nutritive value to maintain the animal in good health.
- (3) Water. Potable water must be accessible to the animals at all times or provided as often as necessary for the health and comfort of the animal. All water receptacles shall be clean and sanitary.
- (4) Cleaning of enclosures. Excrement shall be removed from enclosures as often as necessary to maintain animals in a healthy condition.
- (5) Disinfection of enclosures. After an animal with an infectious or transmissible disease is removed from an enclosure, that enclosure shall be disinfected.
- (6) Pest control. Programs of disease prevention and parasite control, euthanasia and adequate veterinary care shall be established and maintained by the permittee.
- (7) Observation. Animals shall be observed at least twice a week by the permittee or once a week if the animals are in hibernation. Sick, diseased, stressed, or injured animals shall be provided with veterinary-approved care or humanely destroyed.
- (8) Handling. Animals shall be handled carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal.
- $(\underline{\text{hg}})$  Records. Every permittee shall keep accurate accounting records for three years in which all of the following shall be recorded:
- (1) The complete scientific name and number of all native reptiles and amphibians purchased, received, sold, delivered, taken and possessed.
- (2) The person from whom the native reptiles or amphibians were purchased or received.
- (3) The person to whom the native reptiles or amphibians were sold or delivered.
- (4) The date the native reptiles or amphibians were purchased, received, sold, delivered or taken.
- (5) The price paid or received.
- (6) The dates and numbers of eggs laid.
- (7) The dates and numbers of births or hatchlings.
- (<u>ih</u>) Annual Report Requirement. A copy of the records required in subsection 43(g h) shall be submitted to the department by December 31 of each year. No permit shall be renewed unless the records or a

signed statement that no species and/or subspecies of native reptiles or amphibians were purchased, received, sold, delivered, taken or possessed during the year is submitted.

- (ii) Confidentiality of Records. The information required in subsections 43(g h)(2), (3), and (5) contained in the records and reports filed wit the department pursuant to subsection 43(h j) shall be confidential and shall not be disclosed to the public.
- (ki) Inspection. The department may enter the premises of any permittee where reptiles or amphibians are maintained, or reasonably may be maintained, at any reasonable hour to inspect reptiles, amphibians, and enclosures and to inspect, audit or copy records and receipts required by this section. Refusal to allow an inspection may be grounds for revocation of the permit by the Commission. NOTE:

Authority cited: Sections 200, 202, 205, 220, 5061 and 6896, Fish and Game Code. Reference: Sections 200, 202, 205, 220, 5061 and 6896, Fish and Game Code.

#### Report of Fish Taken To Be Made by Owner of Barge or Vessel for Hire, and Accommodation for and Cooperation with State and Federal Observers.

# Informative Digest/Policy Statement Overview



Under existing regulations, recreational anglers fishing in waters of the Ocean and San Francisco Bay District (described in Section 27.00, Title 14, CCR) (ocean waters) are subject to individual daily bag and possession limits that include a general 20-finfish daily bag and possession limit overall and other daily bag and possession limits specific to individual species of finfish [Sections 27.60 and 27.85 through 28.59, Title 14, California Code of Regulations (CCR)]. Also, under existing regulations, some species of fish have no daily bag limit (any number may be taken) [Subsection 27.60(d), Title 14, CCR]. Once a person has caught an authorized daily bag limit of fish, that person is supposed to stop fishing for that species. However, while not presently authorized, it has been common practice for anglers that have already caught a daily bag limit of a finfish aboard a boat to keep fishing to help fill the daily bag limit of other anglers aboard that have not yet caught a limit of fish.

Also, existing regulations require owners and operators of commercial passenger fishing vessels (CPFVs) to record information about each fishing trip, including numbers of anglers, fishing location, and fish caught aboard the CPFVs on logbooks, and provide that information to the Department (Section 195, Title 14, CCR). Existing regulations also specify that fish may not be taken or possessed by CPFV passengers, or the vessel owner or operator in excess of the individual daily limits prescribed in sport fishing regulations.

Proposed regulation changes would authorize what are commonly termed daily "boat bag limits" or simply "boat limits" by allowing anglers aboard vessels to continue to fish after they have taken their individual daily bag and possession limits, until the daily bag limit for all authorized anglers aboard a vessel is filled [Amends Sections 1.17, 1.59, 27.60, and 195, Title 14, California Code of Regulations (CCR)]. Generally, boat limits are calculated as the daily bag limit for a species or species group of fish times the number of anglers authorized to fish on a vessel.

The proposed changes would authorize daily boat limits for anglers aboard any vessel in ocean waters. Under the proposed regulation changes, those anglers who do not wish to continue to catch fish after they have taken their own daily bag limit(s) may chose to either stop fishing at that point, or continue to help catch fish for others who do not have a daily bag limit of fish, including hooking fish and passing the rod and reel to others to fight and land the fish, until the boat limit is achieved. An authorization for anglers to continue to fish until a boat limit is taken does not allow individual anglers to possess more than their individual daily bag limit for any species of finfish. Once a fishing trip is completed and anglers have disembarked from a vessel, an angler may only possess one daily bag limit of a species, unless the vessel is fishing under a Declaration of Multi-Day Fishing Trip filed with the Department pursuant to Section 27.15, Title 14, CCR.

Five alternatives that would authorize boat limits aboard CPFVs are being provided for Fish and Game Commission (Commission) consideration. These alternatives either authorize the operator(s) and crew members on a vessel to be included with the number of passengers authorized to fish when calculating boat bag limits for a fishing trip, or prohibit the operator(s) and crew members from being included when calculating boat limits. Also, these alternatives either allow or prohibit the operator(s) and crew members

from catching and/or keeping fish during a trip towards achieving the boat limits or possessing fish at the end of a trip.

Other provisions are being considered under alternatives that would authorize boat limits as follows:

- An authorization to take and possess boat limits does not apply to fishing trips originating in California where fish are taken in another jurisdiction. This change is needed to assure that California's sport fishing regulations do not inadvertently in conflict with those of other jurisdictions, and that California's boat limits are applicable only to angling from vessels in the waters off California.
- For each trip, the number of passengers, operator(s), and crew members are required to be recorded separately on the vessel logbook under "number of fishers" and next to the vessel operators' signature, respectively. This change will help assure that enforcement staff can distinguish between the number of passengers and operator(s)/crew members for purposes of calculating the authorized boat limits aboard a vessel.
- Upon completion of a sport fishing trip, persons authorized to take fish on that trip may not possess more than the authorized daily limit taken under a boat limit. This change will ensure that enforcement staff can determine whether the daily bag limit provisions for each species and species group have been complied with by individuals at the completion of a fishing trip.
- A fishing trip is completed at the time a person disembarks from the vessel. This change will help ensure that passengers, crew, and enforcement staff clearly understand at what point the trip is technically completed and persons will be accountable for violations of individual daily bag limits.
- Species and species groups for which no bag and possession limit exists are not included in the boat limit. This change will ensure that operator(s), crew members, passengers, and Department staff understand that species for which no bag limits presently exist are not involved in the calculation of a boat limit.
- Where boat limits are provided for in Section 195, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including, but not limited to violations of overlimits, possession of prohibited species, minimum size limits, and fish taken out of season or in closed areas. This change will help further clarify in regulation that the vessel operators and crew members, who are the primary persons handling fish aboard their vessels, are also primarily responsible for ensuring compliance with sport fishing regulations aboard their vessel.

Also, changes proposed in existing regulations governing CPFV logbooks would add and clarify provisions regarding identification, completion, availability, inspection, and confidentiality of CPFV logbooks. The proposed regulation changes also clarify that fish may not be taken or possessed by CPFV passengers, or the vessel owner or operator in violation of sport fishing regulations including taking more than the authorized individual daily limits prescribed in regulation.

Minor editorial changes are also proposed to improve the clarity and consistency of the regulations.

#### Section 195, Title 14, CCR, is amended to read:

195. Report of Fish Taken To Be Made by Owner of Barge or Vessel for Hire, and Accommodation for and Cooperation with State and Federal Observers, and Boat Limits.

(a) Records required by Sections 7923 and 8026 of the Fish and Game Code shall be made on a form provided by the department (Skipper's Log Book-Marine Sportfishing - Southern California F&G 656 and Skipper's Log Book-Marine Sportfishing Central and Northern California F&G 623. DFG 195 10/89, which is incorporated by reference, and hereafter referred to as logbook for purposes of this section). see Appendix A) provided by the department. The logbook shall include the following information and be completed and available for inspection as specified in this section:

- (1) A full and correct record of fish taken, including species or specified species group filled-out before the trip is completed, (see Section 190(b) of Title 14, CCR). The names used for designating the species of fish shall be those in common usage unless otherwise designated by the department.
- (2) The owner/operator copy of the logbook shall be maintained and kept on the vessel for a period of one year, and upon request, shall be made available for inspection by any authorized representative of the Department.
- (3) The numbered logbook shall be completed sequentially. A voided log shall have the word "Void" plainly and noticeably written on the face of the log.
- (b) The owner(s) <u>and/or operator(s)</u> of each vessel required to obtain a <u>permit license</u> under Sections 7920<del>, 7921 and 7923</del> of the Fish and Game Code shall post a notice in a prominent place on the vessel giving information to fishermen on license requirements, bag limits, and other pertinent information. This notice shall be furnished by the <u>d</u>Department of Fish and Game.
- (c) Both the vessel owner(s) and/<u>or</u> operator(s) shall be responsible for keeping accurate records and <u>insuring the vessel is in compliance</u> complying with these regulations <u>subsections</u> (a) and (b) above., even though the task is delegated to others.
- (d) No fish may be taken or possessed by any person, including the owner or operator of any vessel licensed under Section 7920, 7921 and 7923, on any such vessel in excess of the limits prescribed for a person acting under the authority of a sportfishing license.
- (d) All fishing activity records are confidential pursuant to Fish and Game Code Sections 7923 and 8022 and Government Code Sections 6276 and 6276.10.
- (e) Owners and operators of vessels and barges subject to this provision shall carry and cooperate with department and federal fishery observers, and observers collecting data for the department on trips when space is available, at no charge to the sponsoring agency. If observer coverage of a trip is denied by the owner or operator of a vessel, the department may require an explanation in writing by the owner or operator be submitted to the department within 15 days of the department's request for an explanation.

#### Option 1, Section 195 (d)(e)

(boat limits are not authorized under this option, but the captain and crew with sport fishing licenses may fish and otherwise assist the paying passengers in catching fish)

- (d) No fish may be taken or possessed by any person, including the owner(s) and/or operator(s) and crew members of any vessel licensed under Section 7920, 7921 and 7923, on any such vessel in violation of regulations including the take in excess of the limits prescribed for a person acting under the authority of a sportfishing licensee.
- (e) Owners and operators of vessels and barges subject to this provision shall carry and cooperate with department and federal fishery observers, and observers collecting data for the department on trips when space is available, at no charge to the sponsoring agency. If observer coverage of a trip is denied by the owner or operator of a vessel, the department may require an explanation in writing by the owner or operator be submitted to the department within 15 days of the department's request for an explanation. NOTE

Authority cited: Sections 7071, 7923 and 8587.1, Fish and Game Code. Reference: Sections 7923 and 8587.1, Fish and Game Code.

#### Option 2: Section 195 (d)(e)

(five suboptions: boat limits are authorized for either the passengers only, or passengers and crew under varying constraints)

Suboption 2a Section 195(d)(e) (operator and crew may fish, may contribute to the boat limit, and may retain fish at the end of the trip)

- (d) No fish may be taken or possessed by any person, including the owner or operator of any vessel licensed under Section 7920, 7921 and 7923, on any such vessel in excess of the limits prescribed for a person acting under the authority of a sportfishing license.
- (d) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under Section 7920, fishing by these persons (including vessel operator and crew members where licensed to sport fish) may continue until the boat limits of those finfish

- identified in Sections 27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.
- (1) For purposes of this section, the vessel operator(s) and crew members may take fish during a trip, and assist passengers in taking fish towards obtaining daily boat limits for that trip. Upon completion of a fishing trip, the vessel operator and crew members may possess fish, not to exceed authorized sportfishing daily bag and possession limits of Section 27.60.
- (2) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.
- (3) A boat limit for a species or species group is equal to the number of persons aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, plus including the vessel operator(s) and crew members, multiplied by the individual daily bag limit authorized for a species or species group as specified in Section 27.60 (a) through (c), Title 14, CCR. It is unlawful to exceed the boat limit at any time.
- (4) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of passengers, operators and crew members aboard the vessel authorized to fish on that trip shall be recorded separately on the logbook for that trip as follows: The number of passengers authorized to fish aboard the vessel shall be recorded under "number of fishers" on the logbook for that trip, while the number of the vessel operator(s) and crew members for that trip shall be recorded in the space to the right of the operator's signature on the logbook.
- (5) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler, including the vessel operator and crew members, may not possess more than the daily bag and possession limits of fish taken under a boat limit specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). For purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.
- (6) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.
- (e) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:

  (A) Overlimits
- (B) Possession of prohibited species
- (C) Minimum size limits
- (D) Fish taken out of season or in closed areas
- (f) (e) Owners and operators of vessels and barges subject to this provision shall carry and cooperate with department and federal fishery observers, and observers collecting data for the department on trips when space is available, at no charge to the sponsoring agency. If observer coverage of a trip is denied by the owner or operator of a vessel, the department may require an explanation in writing by the owner or operator be submitted to the department within 15 days of the department's request for an explanation. NOTE

Authority cited: Sections 7071, 7923 and 8587.1, Fish and Game Code. Reference: Sections 7923 and 8587.1, Fish and Game Code.

# Suboption 2b Section 195(d)(e) (operator and crew may not fish, may not contribute to the boat limit, and may not retain fish at the end of the trip)

- (d) No fish may be taken or possessed by any person, including the owner or operator of any vessel licensed under Section 7920, 7921 and 7923, on any such vessel in excess of the limits prescribed for a person acting under the authority of a sportfishing license.
- (d) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00 are angling for finfish in these waters as passengers aboard a vessel licensed under Section 7920, fishing by passengers may continue aboard the vessel until boat limits of those finfish identified in Sections 27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.
- (1) For purposes of this section, the vessel operator(s) and crew members are not passengers and may not take fish except for casting, setting trolling gear, gaffing or netting fish. Crew members may assist passengers in other activities including, but not limited to, obtaining bait, chumming, baiting and untangling hooks and lines, identifying, dispatching, filleting, counting, bagging and otherwise handling fish taken by passengers.

- (2)The authorization for limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.
- (3) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group as specified in Section 27.60 (a) through (c), Title 14, CCR. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.

  (4) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of passengers on the vessel authorized to fish shall be recorded under "number of fishers" on the logbook, for that trip. The number of the vessel operator(s) and crew members for that trip shall be recorded in the space to the right of the operator's signature on the logbook.
- (5) Upon completion of a sport fishing trip aboard a vessel operating under this section, each passenger licensed or otherwise authorized to fish may not possess more than the daily bag and possession limits specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). The vessel operator(s) and crew members may not possess fish taken under a boat limit upon the completion of a trip. For purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.
- (6) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.
- (e) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:

  (A) Overlimits
- (B) Possession of prohibited species
- (C) Minimum size limits
- (D) Fish taken out of season or in closed areas
- (f) (e) Owners and operators of vessels and barges subject to this provision shall carry and cooperate with department and federal fishery observers, and observers collecting data for the department on trips when space is available, at no charge to the sponsoring agency. If observer coverage of a trip is denied by the owner or operator of a vessel, the department may require an explanation in writing by the owner or operator be submitted to the department within 15 days of the department's request for an explanation. NOTE

Authority cited: Sections 7071, 7923 and 8587.1, Fish and Game Code. Reference: Sections 7923 and 8587.1, Fish and Game Code.

# Suboption 2c Section 195(d)(e) (crew may fish, may contribute to the passenger boat limit, but may not retain fish at the end of the trip)

- (d) No fish may be taken or possessed by any person, including the owner or operator of any vessel licensed under Section 7920, 7921 and 7923, on any such vessel in excess of the limits prescribed for a person acting under the authority of a sportfishing license.
- (d) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under Section 7920, fishing by these persons (to include vessel operator(s) and crew members may continue until the passenger's boat limits of those finfish identified in Sections 27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.
- (1) For purposes of this section, the vessel operator(s) and crew members are not passengers, but may take fish during a fishing trip to assist in obtaining passenger's daily boat limits. Upon completion of a fishing trip, the vessel operator(s) and crew members may not possess fish taken or possessed aboard the vessel.
- (2) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.
- (3) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group as specified in

Section 27.60 (a) through (c), Title 14, CCR. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.

(4) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of passengers on the vessel authorized to fish shall be recorded under "number of fishers" on the logbook, for that trip. The number of the vessel operator(s) and crew members for that trip shall be recorded in the space to the right of the operator's signature on the logbook.

- (5) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler may not possess more than the daily bag and possession limits specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). For purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.

  (6) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.
- (e) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:

  (A) Overlimits
- (B) Possession of prohibited species
- (C) Minimum size limits
- (D) Fish taken out of season or in closed areas
- (f) (e) Owners and operators of vessels and barges subject to this provision shall carry and cooperate with department and federal fishery observers, and observers collecting data for the department on trips when space is available, at no charge to the sponsoring agency. If observer coverage of a trip is denied by the owner or operator of a vessel, the department may require an explanation in writing by the owner or operator be submitted to the department within 15 days of the department's request for an explanation. NOTE

Authority cited: Sections 7071, 7923 and 8587.1, Fish and Game Code. Reference: Sections 7923 and 8587.1, Fish and Game Code.

# Suboption 2d Section 195(d)(e) (crew may fish, assist passengers, and retain part of the passenger's boat limit)

- (d) No fish may be taken or possessed by any person, including the owner or operator of any vessel licensed under Section 7920, 7921 and 7923, on any such vessel in excess of the limits prescribed for a person acting under the authority of a sportfishing license.
- (d) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under Section 7920, fishing by these persons (to include vessel operator(s) and crew members may continue until the passenger's boat limits of those finfish identified in Sections 27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.
- (1) For purposes of this section, the vessel operator(s) and crew members are not passengers, but may take fish during a fishing trip to assist passengers in obtaining passenger's daily boat limits. Upon completion of a fishing trip, the vessel operator(s) and crew members may only possess fish that are part of the passengers boat limits (if passengers agree to share fish from their personal boat limits with the operator(s) and crew) not to exceed authorized individual sportfishing daily bag and possession limits.

  (2) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.
- (3) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group as specified in Section 27.60 (a) through (c), Title 14, CCR. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.

  (4) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of passengers on the vessel authorized to fish shall be recorded under "number of fishers" on the logbook, for that trip. The number of the vessel operator(s) and crew members for that trip shall be recorded in the space to the right of the operator's signature on the logbook.

- (5) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler may not possess more than the individual daily bag and possession limits specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). For purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.
- (6) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.
- (e) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:

  (A) Overlimits
- (B) Possession of prohibited species
- (C) Minimum size limits
- (D) Fish taken out of season or in closed areas
- (f) (e) Owners and operators of vessels and barges subject to this provision shall carry and cooperate with department and federal fishery observers, and observers collecting data for the department on trips when space is available, at no charge to the sponsoring agency. If observer coverage of a trip is denied by the owner or operator of a vessel, the department may require an explanation in writing by the owner or operator be submitted to the department within 15 days of the department's request for an explanation. NOTE

Authority cited: Sections 7071, 7923 and 8587.1, Fish and Game Code. Reference: Sections 7923 and 8587.1, Fish and Game Code.

# Suboption 2e Section 195(d)(e) (crew may fish, assist passengers, and retain only fish they have personally taken; boat limit applies only to passenger's)

- (d) No fish may be taken or possessed by any person, including the owner or operator of any vessel licensed under Section 7920, 7921 and 7923, on any such vessel in excess of the limits prescribed for a person acting under the authority of a sportfishing license.
- (d) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under Section 7920, fishing by these persons (to include vessel operator(s) and crew members where licensed to sportfish under their own individual limits) may continue until the passenger's boat limits of those finfish identified in Sections 27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.
- (1) For purposes of this section, the vessel operator(s) and crew members are not passengers and may not take fish towards obtaining boat limits for passengers except for casting, setting trolling gear, gaffing or netting fish, but may take fish during a fishing trip for their personal use only. Vessel operator(s) and crew members may assist passengers in other activities including, but not limited to, obtaining bait, chumming, baiting and untangling hooks and lines, identifying, dispatching, filleting, counting, bagging and otherwise handling fish taken by passengers. Upon completion of a fishing trip, the vessel operator(s) and crew members may only possess fish that are part of the own personal bag limit not to exceed authorized sportfishing daily bag and possession limits.
- (2) Fish taken by operator(s) and crew members for personal use pursuant to (e)(1) above must be separated from fish taken under a boat limit and labeled in a manner that they can be identified as an individual operator's or crew members fish. Operator(s) and crew members are also prohibited from giving all or part of their individual limit to any passenger during or after a trip.
- (3) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.
- (4) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group as specified in Section 27.60 (a) through (c), Title 14, CCR. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.

  (5) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of passengers on the vessel authorized to fish shall be recorded under "number of fishers" on the logbook, for that trip. The number of the vessel

- operator(s) and crew members for that trip shall be recorded in the space to the right of the operator's signature on the logbook.
- (6) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler may not possess more than the daily bag and possession limits specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). For the purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.
- (7) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.
- (e) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:
- (A) Overlimits
- (B) Possession of prohibited species
- (C) Minimum size limits
- (D) Fish taken out of season or in closed areas
- (f) (e) Owners and operators of vessels and barges subject to this provision shall carry and cooperate with department and federal fishery observers, and observers collecting data for the department on trips when space is available, at no charge to the sponsoring agency. If observer coverage of a trip is denied by the owner or operator of a vessel, the department may require an explanation in writing by the owner or operator be submitted to the department within 15 days of the department's request for an explanation. NOTE

Authority cited: Sections 7071, 7923 and 8587.1, Fish and Game Code. Reference: Sections 7923 and 8587.1, Fish and Game Code.

